

port it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 746, A bill to be entitled "An Act to prohibit fraternities, sororities, and secret societies in the public schools of the State; making certain exceptions; providing for the enforcement of same; repealing all laws in conflict; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 137, Inviting the National Tax Association to hold its 1938 meeting in Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 460 and 518 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. Nos. 71 and 62 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 18, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 74 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. Nos. 72, 67, 63, 64 and 70 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 487, 143, 450, 445, 515, 216, and 495 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

# EIGHTY-FIRST DAY.

(Thursday, May 20, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Senator Collie.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the pro-

ceedings of yesterday was dispensed with, on motion of Senator Aikin.

#### Reports of Standing Committees.

Reports on House Bills Nos. 1180 and 937 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

#### Senate Resolution No. 94.

Senator Beck offered the following resolution:

Whereas, There are certain repairs necessary to be made on the chairs and desks in the Senate Chamber, and

Whereas, The repairs should be made before convening of the next session, therefore, be it

Resolved, That the Secretary of the Senate is hereby authorized and directed to have all necessary repairs made and the expense of same be paid out of the mileage and per diem and contingent expense of the Forty-fifth Legislature.

The resolution was read.

On motion of Senator Beck and by unanimous consent, the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

#### Relative to Consideration of H. J. R. No. 10.

Senator Shivers called for the consideration of H. J. R. No. 10 at this time.

(President in the Chair.)

The President held the call of Senator Shivers out of order because the resolution has not yet been reported by the committee to which it was referred.

#### House Bill No. 420 on Passage to Third Reading.

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 420, A bill to be entitled "An Act providing Workmen's Compensation for State employees; defining certain terms; placing administration of the Act in the Industrial Accident Board and prescribing the duties and defining the powers of

the Board; providing for the filing of claims; providing for payment to the beneficiary in case of death; providing the rate of compensation to be paid injured employees; providing the Board may require examination of applicants for compensation; providing for time of filing notice of injury and of claim for compensation; providing for appeals from the rules of the Board to certain courts; providing that if any person other than the State is legally liable for an injury to an employee of the State, such employee may proceed against either the State or such person and in event that the employee proceeds against the State, the State shall be subrogated to the rights of such employee; providing for the appointment of an Assistant Attorney General to act as counsel to the Board, providing for his compensation; etc., and declaring an emergency."

Senator Weinert offered the following amendment to the bill:

Amend H. B. No. 420 by striking from Sec. 18 the words: "and to set aside additional amounts as and when necessary."

The amendment was adopted.

The bill then was passed to third reading.

#### House Bill No. 420 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 420 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Nays—1.

Holbrook

Present—Not Voting.

Nelson

#### House Bill No. 7 on Passage to Third Reading.

The President laid before the Senate, as postponed business on its passage to third reading (the bill having been read second time on Tuesday, May 18, 1937):

H. B. No. 7, A bill to be entitled "An Act creating a State Board of Public Welfare for the State of Texas; providing for the appointment of a State Board of Public Welfare; providing that said Board shall consist of nine (9) members, one (1) of whom shall be a representative of labor; prescribing their terms of office, qualifications and duties, and fixing their compensation; providing that any member offering himself as a candidate for public office shall automatically be disqualified from holding membership on said Board; providing that no member shall serve more than two consecutive terms; providing that the Board, its agents and employees shall constitute the State Department of Public Welfare; prescribing the rights, powers and duties of said State Department of Public Welfare; providing for the selection and appointment of an Executive Director; prescribing the qualifications, duties and fixing the salary of such Executive Director; providing for reports of the Executive Di-

rector and of the Board; etc., and declaring an emergency."

With amendment by Senator Van Zandt, striking out all after the enacting clause and inserting the text of a complete bill, pending.

Senator Aikin offered the following amendment to the amendment: "All salaries for employees shall be fixed by the departmental appropriation bill passed by the Regular Session of the 45th Legislature."

The amendment to the amendment was adopted.

Senator Van Zandt offered the following amendment to the amendment:

Amend the substitute bill to H. B. No. 7, Section 11, subsection d, by inserting the word "Public" before the word "Welfare" in the fourth line.

The amendment to the amendment was adopted.

(Senator Rawlings in the Chair.)

Senator Van Zandt offered the following amendment to the amendment:

Amend the substitute bill to H. B. No. 7, Sec. 13, by inserting the word "needy" before the word "blind" wherever it occurs in the paragraph; also by inserting the word "needy" before the word "blind" in the first line of Sec. 14.

The amendment to the amendment was adopted.

The amendment as amended then was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend caption to read as follows:

#### A BILL

#### To Be Entitled

An Act creating a State Division of Public Welfare within the Board of Control for the State of Texas; defining certain words and phrases; providing that the Division of Public Welfare, its agents, representatives, and employees shall constitute the Division of Public Welfare within the Board of Control; prescribing the rights, powers, and duties of said Division of Public Welfare; providing for the selection and appointment of an execu-

tive Director; prescribing the qualifications, duties, and fixing the salary of such Executive Director; providing for reports of the Executive Director and of the Division of Public Welfare to the Board of Control and through the Board of Control to the Governor and the Legislature of Texas; providing for the creation of such departments within the Division of Public Welfare as the Board of Control may deem necessary; providing that all the rights, powers, and duties of the Division of Child Welfare, and the Texas Relief Commission shall be retained within the State Board of Control as a part of the Division of Public Welfare; providing that the staff, records, and physical properties of the Division of Child Welfare, and the Texas Relief Commission shall remain with the State Board of Control and be a part of the Division of Public Welfare; accepting the provisions and benefits of the Federal Social Security Act of 1935; providing for the establishment of local units of administration in counties or districts through the board's agencies, providing for non-salaried local advisory boards; providing for the custody and disbursement of all funds received by the State Division of Public Welfare in the Board of Control; providing for the transfer of moneys in the General Fund or in the Special Fund credited to the Division of Child Welfare of the Board of Control and the Texas Relief Commission, to the State Division of Public Welfare, and providing for the expenditure thereof; making appropriation for paying additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act; designating the State Division of Public Welfare a State Agent to cooperate with the Federal Government in the administration of the provisions of Title IV, Part 3 of Title V, and Title X of the Federal Social Security Act; providing for granting assistance to blind persons, assistance to dependent destitute children, and general assistance to needy persons and families; providing for the Legislature to limit the amount of assistance

to be paid, each, to needy blind and to dependent destitute children; providing for placing an age limit with respect to needy blind and dependent destitute children; providing that the Board limit the amount of assistance granted to the needy blind and to dependent destitute children, according to circumstances of each recipient; limiting the amount that may be appropriated annually as assistance for dependent destitute children; providing the Board shall promulgate rules and regulations concerning the amount of visual acuity the applicant for assistance may have; providing for cooperation with the Children's Bureau of the United States Department of Labor in Public Services for the protection and care of homeless, dependent, and neglected children; providing for the supervision and licensing of all institutions, boarding homes, and agencies providing assistance, care, or other direct services to dependent, destitute, neglected, and delinquent children, blind, feeble-minded, and other dependent persons; providing for the filing of applications for assistance under the provisions of this Act; providing for appointment of ophthalmologists, eye specialists and physicians for examination of eyes of applicants; providing for investigation of applicants for assistance, orders thereon, appeals, and hearings thereon; providing for decisions on fair hearing to be made by the Board; prescribing the method of determining the amount of assistance, if any, each applicant is entitled to under this Act; providing for discontinuance of grants of assistance; providing that grants of assistance under the provisions of this Act shall be inalienable and not subject to civil process; providing for designation of local or district administrative units for administering general relief; designating the State Division of Public Welfare as State Agency to cooperate with the Federal Government in the administration and distribution of Federal surplus commodities and other Federal resources; providing that no person shall make any charge or receive any fee for representing any applicant or recipient of assistance un-

der the provisions of this Act; providing that records of applicants or recipients under this Act shall be confidential; providing that such records shall be available to applicants and recipients for hearing before Board or other tribunal; providing that the provisions of this Act shall not relieve any person from liability of maintaining and supporting his parent or parents or child or spouse; making provisions for recovery of assistance given any person in excess of amount to which such person is entitled under the provisions of this Act; providing this Act shall not interfere with powers and functions of certain other Departments; providing that all matters and orders pending before or made by any officer or department or unit transferred under this Act to the State Division of Public Welfare shall be deemed to be continued in like status in such department; defining a blind person; defining dependent destitute children; providing that the Board shall coordinate the work of employees of the Old-Age Assistance Commission and the employees allowed under this Act for purposes of efficiency and economy; providing for the dissolution of County Child Welfare Boards established in conformity with Section 4, Acts of 1931, Forty-second Legislature, Page 323, Chapter 194; fixing penalties for violations of the provisions of this Act; making appropriation for administrative costs; repealing all laws in conflict; providing a savings clause; providing short Title; and declaring an emergency.

The amendment was adopted.

Senator Collie offered the following amendment to the bill:

Amend H. B. No. 7, as substituted, by striking out Subsection c of Section 23, page 6.

Senator Van Zandt moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10.

Brownlee	Hill
Cotten	Newton
Head	Pace

Rawlings  
Shivers

Spears  
Van Zandt

Nays—14.

Aikin  
Beck  
Burns  
Collie  
Davis  
Isbell  
Moore

Neal  
Oneal  
Roberts  
Stone  
Sulak  
Weinert  
Woodruff

Absent.

Holbrook  
Lemens  
Nelson  
Redditt

Small  
Westerfeld  
Winfield

The amendment then was adopted.

Senator Van Zandt offered the following amendment to the bill (as amended).

Amend H. B. No. 7, as amended, Section 23, by striking out the word "shall" and inserting in lieu thereof the word "may."

The amendment was adopted.

Senator Oneal offered the following amendment to the bill:

Amend H. B. No. 7, as amended, by striking out of Section 26 the following:

"without complying with any law of this State other than the provisions of this Act" and inserting in lieu thereof the following:

"if other provisions of this Act are complied with."

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 7, as amended, by striking out all of Section 8 and substituting in lieu thereof the following:

Sec. 8. The State of Texas, in addition to the benefits heretofore accepted and provisions made therefor, does hereby accept the provisions and benefits of Title IV, part III of Title V and Title X of the Federal "Social Security Act," enacted by the Congress of the United States and approved on August 14, 1935, which, by the provisions of this Act, the Board through the Division is authorized to administer, and will observe and comply with all of the requirements of such Act and the sev-

eral amendments thereto and the rules and regulations issued thereunder and in conformity therewith in so far as may be applicable herein.

Amend the caption to conform.

The amendment was adopted.

Question recurring on the passage of the bill (as amended) to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

**Yeas—16.**

Brownlee	Oneal
Cotten	Pace
Head	Rawlings
Hill	Shivers
Isbell	Spears
Moore	Sulak
Neal	Van Zandt
Newton	Westerfeld

**Nays—11.**

Aikin	Nelson
Beck	Roberts
Burns	Stone
Collie	Weinert
Davis	Woodruff
Holbrook	

**Absent.**

Lemens	Small
Redditt	Winfield

**House Bill No. 7 on Third Reading.**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—23.**

Beck	Pace
Burns	Rawlings
Collie	Roberts
Cotten	Shivers
Davis	Spears
Head	Stone
Hill	Sulak
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Woodruff
Oneal	

**Nays—2.**

Aikin	Holbrook
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**Absent.**

Brownlee	Redditt
Isbell	Small
Lemens	Winfield

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—16.**

Cotten	Pace
Head	Rawlings
Hill	Shivers
Lemens	Spears
Moore	Sulak
Neal	Van Zandt
Newton	Westerfeld
Oneal	Woodruff

**Nays—11.**

Aikin	Isbell
Beck	Nelson
Burns	Roberts
Collie	Stone
Davis	Weinert
Holbrook	

**Absent.**

Brownlee	Small
Redditt	Winfield

**Leave of Absence Granted.**

Senator Holbrook was granted leave of absence for the remainder of this morning on account of important business, on motion of Senator Weinert.

**House Bill No. 158 on Passage to Third Reading.**

Senator Sulak called from the table, for further consideration at this time:

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1927, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes

on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the county treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its passage to third reading (the bill having been read second time on April 7, 1937, and having been tabled subject to call on April 12, 1937).

Senator Sulak was recognized to speak on the question—Shall the bill be passed to third reading?

#### Relative to Executive Session.

Senator Oneal asked unanimous consent of the Senate to move that the Senate go into executive session at 11:50 o'clock a. m. today.

The Presiding Officer announced there was objection to the motion being made at this time.

Senator Moore asked unanimous consent of the Senate to move that the Senate go into executive session at 11:50 o'clock a. m. today to consider only the confirmation of appointments submitted by the Governor to fill vacancies already existing.

The Presiding Officer announced there was objection to the motion being made at this time.

The Senate resumed consideration of H. B. No. 158, on its passage to third reading, with the following amendment offered by Senator Small on April 12, 1937, pending.

Amend the bill by inserting a new Section to read as follows:

"Sec. \_\_\_\_ This Act shall become effective if and when the Constitutional amendment proposed by S. J. R. No. 5, Acts of the Forty-fifth Legislature, is adopted by vote of the people of the State of Texas, and unless said constitutional amendment is duly and legally adopted, this Act shall be null, void and of no force or effect."

On motion of Senator Sulak, the amendment was tabled.

Senator Moore, by unanimous consent, withdrew the motion to reconsider the vote on which the amendment by Senator Redditt to H. B. No. 158 was adopted on April 9, 1937, which motion was duly made and spread upon the Journal.

On motion of Senator Weinert and by unanimous consent it was ordered that the word "five" and figure "5" wherever they occur in the bill be changed to "three" and "3" respectively.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 158 by adding a new Section reading as follows:

"The funds diverted, donated or granted herein to counties having Flood Control Districts created under H. B. No. 1132, Acts Regular Session Forty-fifth Legislature shall go to such Flood Control Districts and shall be used as provided in such H. B. No. 1132.

The amendment was adopted.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 158, page 2, line 9 by substituting a semi-colon for the period after the word "purpose" and adding the following: "or for the purpose of reducing the bonded or other indebtedness of the county or for the purpose of reducing the overall tax rate of the county."

Question—Shall the amendment be adopted?

#### Recess.

On motion of Senator Pace, the Senate, at 12:00 o'clock noon, took recess to 3:00 o'clock p. m. today.

#### Afternoon Session.

The Senate met at 3:00 o'clock p.

m. and was called to order by the President.

#### House Bills on First Reading.

The following bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 1173, to Committee on Game and Fish.

H. B. No. 1082, to Committee on Finance.

#### Report of Conference Committee on House Bill No. 1053.

Senator Neal submitted the following report of the Conference Committee on H. B. No. 1053:

Committee Room,  
Austin, Texas, May 20, 1937.  
Hon. Walter F. Woodul, President of the Senate, and  
Hon. Robert W. Calvert, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee appointed to adjust the differences between the House and the Senate on H. B. No. 1053, report that we have considered the same and recommend that it do pass in the form hereto attached:

Respectfully submitted,

NEAL,  
SPEARS,  
NELSON,  
LEMENS,  
BECK,

On the part of the Senate.

LEONARD,  
VALE,  
POPE,  
CELAYA,  
LEYENDECKER,

On the part of the House.

H. B. No. 1053

#### A BILL

#### To Be Entitled

An Act creating out of the South Zone, as set out in Article 878 of the Penal Code, a zone to be designated as the Coastal Zone; fixing an open season or period of time when it shall be lawful to hunt, take or kill wild mourning doves in the North Zone, in the Coastal Zone and in the Coastal Zone south of the dividing line between the North White Wing Zone and the South White Wing

Zone as defined by Article 878a of the Penal Code of Texas, as shown by Vernon's Texas Statutes, 1936; fixing an open season or period of time when it shall be lawful to hunt, take or kill white winged doves in the North White Wing Zone and in the South White Wing Zone; amending Article 881 of the Penal Code of Texas so as to fix bag limits on mourning doves and white winged doves and placing a limitation on the transportation of mourning doves and white winged doves from one county to another within the South White Wing Zone and from within the South White Wing Zone to without the South White Wing Zone; providing for the repeal of all laws or parts of laws in conflict herewith and declaring the intention of the Legislature with regard to the fixing and maintaining of open seasons and bag limits on mourning doves and white winged doves in the South White Wing Zone; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That out of what is known as South Zone, created by virtue of Article 878 of Penal Code as shown by Vernon's Texas Statutes, 1936, is hereby created a new zone to be designated Coastal Zone and to be composed of the following counties: Orange, Jefferson, Chambers, Galveston, Harris, Brazoria, Fort Bend, Wharton, Matagorda, Jackson, Calhoun, Victoria, Goliad, Refugio, Aransas, San Patricio, Bee, Jim Wells, Nueces, Kleberg, Duval, Brooks, Kenedy, Willacy, Cameron, Hidalgo, Starr, Jim Hogg, Zapata, Webb, Dimmit, Zavala, Uvalde and Medina.

Sec. 2. There shall be an open season or period of time when it shall be lawful to hunt, take or kill wild mourning doves in the North Zone in the months of September and October; in the South Zone, as limited by Section 1 hereof, from December 1 to January 16; and in the Coastal Zone, as designated in Section 1 hereof, north of the dividing line between the North and South White Wing Zone as fixed by Article 878a of the Penal Code of Texas, as shown by Vernon's Texas Statutes, 1936, in the months of October and November, and in said



Coastal Zone south of said dividing line between the North and South White Wing Zones on each Sunday, Tuesday, Thursday, and Saturday during the months of September and October of each year, and on no other days.

Sec. 3. There shall be an open season or period of time when it shall be lawful to hunt, take or kill wild white winged doves in the North White Wing Zone, as designated by Article 878a of Vernon's Texas Statutes, 1936, during the time from August 8 to October 31 of each year, both days inclusive; and in the South White Wing Zone, as designated by said Article 878a, on each Sunday, Tuesday, Thursday and Saturday, and on no other days, during the months of September and October of each year.

Sec. 4. It shall be unlawful to take, kill, or possess any mourning doves or white winged doves in greater number than the daily, weekly, or possession limit or number of such game birds permitted to be killed or taken, such bag limit and possession limit to be as follows: Wild mourning doves and wild white winged doves, fifteen (15) in any one day, and not more than thirty (30) in possession at any one time, except that in the South White Wing Zone the bag limit shall be computed by adding together the number of wild mourning doves and the number of white winged doves killed or possessed, and it shall also be unlawful for anyone to transport from one county to another in the South White Wing Zone or from within the South White Wing Zone to without the South White Wing Zone more than thirty (30) white winged doves and/or wild mourning doves.

Sec. 5. Any person taking, killing, having in possession or transporting any wild mourning dove or wild white winged dove at any other time than the open season provided in this Act, or in excess of the bag limit, possession limit, seven day limit, or transportation limit, provided by any provision of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined in the sum not less than \$10.00, nor more than \$100.00, and each bird killed, possessed or transported in violation of any provision

of this Act shall constitute a separate offense.

Sec. 6. All laws or parts of laws in conflict herewith are hereby repealed. It is hereby declared to be the intention of the Legislature to fix an open season or period of time when it is lawful to hunt, take or kill wild mourning doves in the South White Wing Zone, as set out in this Act, different from that in the remainder of the South Zone and in the Coastal Zone, and it is further declared to be the intention of the Legislature that such open season fixed in this Act shall remain effective despite other and conflicting Acts fixing the open season in the South Dove Zone and the Coastal Zone. It is hereby declared to be the intention of the Legislature that no Act fixing an open season in the South Dove Zone or the Coastal Zone shall be effective in the South White Wing Zone unless this Act shall be specifically and by numbered reference amended or repealed.

Sec. 7. The fact that the present laws regulating the taking of wild mourning doves and white winged doves in the South White Wing Zone do not adequately protect these birds nor afford an equitable opportunity for hunting the same, and the further fact that climatic conditions in the South Wing Zone differ so greatly from climatic conditions in the remainder of the South Dove Zone, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### **House Bill No. 158 on Passage to Third Reading.**

The Senate resumed consideration of pending business, same being H. B. No. 158, providing for remission of State ad valorem taxes, on its passage to third reading, with amendment by Senator Hill pending.

Question—Shall the amendment be adopted?

#### **House Bill No. 821 on Final Passage.**

Senator Spears called up the motion to reconsider the vote by which H. B. No. 821 was passed, which mo-

tion was duly made and spread upon the Journal.

The motion to reconsider prevailed.

Question—Shall the bill be passed?

Senator Spears offered the following amendments to the bill:

(1)

Amend H. B. No. 821 by striking out all of Section "F" on page 2, beginning on line 20 and ending on line 30, and substitute in lieu thereof the following:

"Area of Operation. Said housing authority of a city shall include all of the area within the territorial limits of said city as hereinabove set out."

(2)

Amend H. B. No. 821, page 3, by striking out the following on line 16: "twenty five (25)" and substitute in lieu thereof the following:

"Five (5%) per cent of the qualified voters and"

The amendments were adopted unanimously.

The bill was passed by the following vote:

Yeas—30.

Alkin	Newton
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Nays—1.

Oneal

Report of Free Conference Committee on Senate Bill No. 47.

Senator Cotten submitted the following report of the Free Conference Committee on S. B. No. 47:

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate;

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Com-

mittee, appointed to adjust the differences between the House and Senate on S. B. No. 47, beg leave to report that we have considered the same and recommend that it do pass in the form and text attached hereto.

Very respectfully,

COTTEN,  
BURNS,  
VAN ZANDT,  
ISEBELL,  
HEAD,

On the part of the Senate.

TENNYSON,  
SMITH of Hopkins,  
BLANKENSHIP,  
BOETHEL,  
DICKISON,

On the part of the House.

S. B. No. 47.

An Act to carry into effect Section 46a of Article III of the Constitution; to establish a Teachers' Retirement System of Texas; to determine membership and conditions of membership in said System; to provide for a Board of Trustees of said System and for the administration of its affairs; to provide for officers and a Medical Board and to define their duties; to provide for the adoption of actuarially-made mortality, service and other tables as may be deemed necessary; to provide for the creation, management and distribution of the Teacher Reserve Fund, the State Accumulation Fund, the Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, and the Expense Fund of the said System; and to provide a method of financing said System; providing that no appropriation shall ever be made by the Legislature out of the General Funds for the payment of retirement benefits; and providing that such payments can only be made out of special taxes levied as authorized in the Constitutional Amendment for the retirement of teachers, making an appropriation of Twenty-five Thousand (\$25,000.00) Dollars out of the General Revenue Funds of the State of Texas not otherwise appropriated, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Definitions: The fol-

lowing words and phrases as used in this Act unless a different meaning is plainly required by the context shall have the following meanings:

(1) "Retirement System" shall mean the Teachers' Retirement System of Texas as defined in Section 2 of this Act.

(2) "Public School" shall mean any educational organization supported wholly or partly by the State under the authority and supervision of a legally constituted board or agency having authority and responsibility for any function of public education.

(3) "Teacher" shall mean a person employed on a full-time, regular salary basis by boards of common school districts, boards of independent school districts, county school boards, Retirement Board of Trustees, State Board of Education and State Department of Education, boards of regents of colleges and universities, and any other legally constituted board or agency of an educational institution or organization supported wholly or partly by the State. In all cases of doubt, the Retirement Board of Trustees, hereinafter defined, shall determine whether a person is a teacher as defined in this Act. A teacher shall mean a person rendering service to organized public education in professional and business administration and supervision and in instruction, in public schools as defined in subsection (2) of this section.

(4) "Taught" shall mean all regular services contributing directly and indirectly to the instruction offered by and through the teachers as defined in subsection (3) of this section.

(5) "Employer" shall mean the State of Texas and any of its designated agents or agencies with responsibility and authority for public education, such as the common and independent school boards, the boards of regents of state colleges and universities, the county school boards, or any other agency of and within the State by which a person may be employed for service in public education.

(6) "Member" shall mean any teacher included in the membership of the system as provided in Section 3 of this Act.

(7) "State Board of Trustees" shall mean the Board provided for in

Section 6 of this Act to administer the Retirement System.

(8) "Service" shall mean service as a teacher as described in subsection (3) of this section.

(9) "Prior-Service" shall mean service rendered prior to the date of establishment of the Retirement System.

(10) "Membership Service" shall mean service as a teacher rendered while a member of the Retirement System.

(11) "Creditable Service" shall mean "Prior-System" plus "Membership Service" for which credit is allowable as provided in Section 4 of this Act.

(12) "Beneficiary" shall mean any person in receipt of an annuity, a retirement allowance or other benefit as provided by this Act.

(13) "Regular Interest" shall mean interest at the rate of three and one-half (3½) per centum per annum, compounded annually.

(14) "Current Interest" shall mean the mean interest earned annually on investments of retirement funds.

(15) "Accumulated Contribution" shall mean the sum of all the amounts deducted from the compensation of a member, and credited to his individual account in the Teacher Saving Fund together with regular interest thereon as provided in Section 8 of this Act.

(16) "Earnable Compensation" shall mean the full rate of the compensation that would be payable to a teacher if he worked the full normal working time. In cases where compensation includes maintenance, the State Board of Trustees shall fix the value of that part of the compensation not paid in money.

(17) "Average Prior-Service Compensation" shall mean the average annual compensation of a member during the ten (10) years immediately preceding the enactment of this law, or if he had less than ten (10) years of such service, then his average compensation shall be computed for his total years of such prior-service, but in computing the average, no salary for any one year shall be more than Three Thousand (\$3,000.00) Dollars.

(18) "Annuity" shall mean payments for life actuarially determined and derived from reserve funds contributed by a member and by the

State. All annuities shall be payable in equal monthly installments.

(19) "Retirement Allowance" shall mean an annuity or any optional benefit payable in lieu thereof.

(20) "Retirement" shall mean withdrawal from active service with a retirement allowance granted under the provisions of this Act.

(21) "Service Retirement" shall mean the retirement of a member from active service with an annuity or other benefit in lieu of an annuity at any time after reaching age of sixty (60) years.

(22) "Disability Retirement" shall mean withdrawal from active service on a disability allowance any time after twenty (20) years of service in Texas, and before becoming sixty (60) years of age.

(23) "Annuity Reserve" shall mean the present value computed upon the basis of such annuity or mortality tables as shall be adopted by the State Board of Trustees with regular interest, of all payments to be made on account of any annuity or benefit in lieu of any annuity, granted to a member under the provisions of this Act.

(24) "Actuarial Equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the State Board of Trustees, and regular interest.

(25) "School Year" shall mean the year beginning on or about September 1st and ending on or about August 31st.

Sec. 2. Name and Date of Establishment. A Retirement System is hereby established and placed under the management of the State Board of Trustees as hereinafter created for the purpose of providing retirement allowances and other benefits under the provisions of this Act for teachers as defined in this Act. The Retirement System so created shall be established as of July 1, 1937.

It shall have the power and privileges of a corporation and shall be known as the "Teacher Retirement System of Texas," and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held.

Sec. 3. Membership. The membership of said Retirement System shall be composed as follows:

(1) All persons who are teachers on the date as of which the Retirement System is established shall become members as of that date as a condition of their employment unless within a period of ninety (90) days after September 1, 1937, any such teacher shall file with the State Board of Trustees on a form prescribed by such Board, a notice of his election not to be covered in the membership of the System and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the Retirement System.

(2) Beginning September 1, 1938, and thereafter any teacher teaching for the first time in Texas shall become a member of the Retirement System as a condition of his employment.

(3) Should any member in any period of six (6) consecutive years after becoming a member be absent from service more than five (5) years, or should he withdraw his accumulated contributions, or should he become a beneficiary, or upon death, he shall thereupon cease to be a member.

(4) Any teacher who elects not to become a member of the Retirement System as herein provided as of September 1, 1937, and the ninety (90) days next following, may make application to become a member at the beginning of any new school year, but without claim for prior-service credit.

(5) Anyone who has taught in the State of Texas in accordance with the terms of this Act, but who is not in service during the year in which the Act becomes effective, shall, if he becomes a teacher within two (2) years of the date on which this Act becomes effective, and if he continues as such for a period of five (5) consecutive years, be entitled to receive credit and resulting benefits for prior-service as provided for in this Act.

Sec. 4. Creditable Service.

(1) Under such rules and regulations as the State Board of Trustees shall adopt each person who was a teacher, as defined in this Act, at any time during the year immediately preceding the establishment of the System, and who becomes a member during the first year of operation of the Retirement System, or

who is a member at the beginning of the school year 1937-1938, shall file a detailed statement of all Texas service, as a teacher, rendered by him prior to the date of establishment of the Retirement System for which he claims credit.

(2) The State Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one school year.

(3) Subject to the above restrictions and to such other rules and regulations as the State Board of Trustees may adopt, the State Board of Trustees shall verify and adjust, as soon as practicable after the filing of such statements of service, the service therein claimed.

(4) Upon adjustment and verification of the statements of service, the State Board of Trustees shall issue prior-service certificates certifying to each member the length of Texas service rendered prior to the date of the establishment of the Retirement System, with which he is credited on the basis of his statement of service. So long as membership continues, a prior-service certificate shall be final and conclusive for retirement purposes as to such service, provided, however, that any member may, within one (1) year from the date of issuance or modification of such certificate, request the State Board of Trustees to modify or correct his prior-service certificate.

When membership ceases, such prior-service certificate shall become void. Should the employee again become a member, such a person shall enter the System as a member not entitled to prior-service credit except as provided in Section 5, subsection (5), paragraph (b) of this Act.

(5) Creditable service at retirement on which the retirement allowance of a member shall be based, shall consist of the membership-service rendered by him since he last became a member, and also, if he has a prior-service certificate which is in full force and effect, the amount of the service credited on his prior-service certificate. No member shall be entitled to a retirement allowance until he has accumulated

twenty (20) or more years of creditable service in Texas.

#### Sec. 5. Benefits.

##### 1. Service Retirement Benefits.

(a) Any member in service may retire upon written application to the State Board of Trustees. Retirement shall be effective as of the end of the school year then current, provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years.

(b) Any member in service who has attained the age of seventy (70) years shall be retired forthwith, provided that with the approval of his employer he may remain in service.

(c) Paragraphs (a) and (b) of this subsection are limited as follows:

Any member in service on the date upon which this Act becomes effective who has attained the age of seventy (70) years may be retired on September 1, 1938; and any member in service on the date upon which this Act becomes effective who has attained the age of sixty (60), but not seventy (70) years shall not be permitted to make application for retirement until he has been a member of the Retirement System for two (2) years.

##### 2. Allowance for Service Retirement.

Upon retirement for service a member shall receive a retirement allowance in the form of an annuity which shall be the actuarial equivalent of the sum of his savings and the State reserves due him as a condition of his creditable service and membership in the Retirement System. His retirement allowance reserve shall be derived from:

(a) His accumulated contributions credited to his account in the Teacher Saving Fund at the time of retirement; and

(b) An additional sum from the State Accumulation Fund equal to the accumulated contributions provided by the member in paragraph (a) of this subsection; and

(c) If he has a prior-service certificate in full force and effect, an additional annuity reserve fund, the amount of which shall be the actuarial equivalent of an annuity of one (1%) per centum of his average prior-service compensation, as defined in this Act, multiplied by the

number of years of Texas service certified in his prior-service certificate; provided that in computing his average prior-service compensation, the maximum number of years of service to be allowed shall be thirty-six (36) years and the maximum prior-service salary Three Thousand (\$3,000.00) Dollars; provided that the State Board of Trustees shall have an actuarial and statistical study made at least once every five (5) years showing annual trends and the probable liabilities and assets; upon the recommendation of the actuary, the Board shall have the power to reduce or increase the one (1%) per centum to a percentage not below one-third ( $1/3$ ) of one (1%) per centum, nor more than one (1%) per centum of the average prior-service compensation until the resulting reduced liability does not exceed the available assets for prior-service. Provided that if the five-year actuarial investigation reveals further need of reducing said prior-service liabilities in order to strike a balance with available assets during said period for said service, the State Board of Trustees shall reduce the average prior-service salary, and the number of years of prior-service credit so that the total reduction required will fall equally upon said salary and service for the period covered by the report of the Actuary. Provided, further, any adjustment in the amount of prior-service compensation of any member or members of the System made by the Trustees, shall be over a period of years of not less than five (5), nor more than seven (7). Available assets shall mean that part of the State Accumulation Fund not required as reserves to meet prospective liabilities calculated to accrue annually over a limited number of years on account of service retirement reserves and disability retirement reserves.

(d) It is expressly provided that the prior-service compensation herein provided for shall be a mutual agreement on the part of the State of Texas and the teacher-member of the Retirement System, and in no event shall the failure of the State Board of Trustees to make adjustments for which total funds are not available for payment of prior-service and disability benefits be held as a liability against the State of Texas.

(e) It is further provided that any funds remaining on hand at the end of each five-year period based upon the actuarial and statistical study herein provided for and which shall not be needed to meet the accrued liabilities of the State for prior-service reserves and disability benefits, shall revert to the General Treasury of the State of Texas as of August 31st of said year.

### 3. Disability Retirement Benefits.

Upon the application of a member in service, or of his employer or his legal representative acting in his behalf, any member who has had twenty (20) or more years of creditable service may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, on a disability retirement allowance, provided, that the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

### 4. Allowance on Disability Retirement.

Upon retirement for disability, a member shall receive a service retirement allowance if he has attained the age of sixty (60) years, otherwise he shall receive a disability retirement allowance which shall be the actuarial equivalent of the sum of funds derived from sources as follows:

(a) From the accumulated contributions of the member standing to his account in the Teacher Saving Fund at the time of his retirement; and

(b) An additional amount from the State Accumulation Fund equal to the accumulated contributions provided by the member in paragraph (a) of this Subsection; and

(c) If he has a prior-service certificate in full force and effect, an additional amount which shall be equal to fifty (50%) per centum of the award for such prior-service as herein computed.

### 5. Beneficiaries Retired on Account of Disability.

Once each year during the first five (5) years following retirement of a member on a disability retirement al-

lowance, and once in every three-year period thereafter, the State Board of Trustees may, and upon his application shall, require any disability beneficiary who has not yet attained the age of sixty (60) years to undergo a medical examination, such examination to be made at the place of residence of said beneficiary or any other place mutually agreed upon, by a physician or physicians designated by the State Board of Trustees. Should any disability beneficiary who has not yet attained the age of sixty (60) years refuse to submit to at least one medical examination in any such periods by a physician or physicians designated by the State Board of Trustees, his allowance shall be discontinued until his withdrawal of such refusal, and should his refusal continue for one (1) year, all his rights in and to his annuity shall be revoked by the State Board of Trustees.

(a) Should the Medical Board report and certify to the State Board of Trustees that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, or that such disability beneficiary is engaged in or is able to engage in a gainful occupation, and should the State Board of Trustees by a majority vote concur in such report, then the amount of his annuity shall be discontinued or reduced to an amount by which the amount of the last year's salary of the beneficiary, as a teacher, exceeds his present earning capacity. Should his earning capacity be later changed, the amount of his annuity may be further modified; provided, that the revised annuity shall not exceed the amount of the annuity originally granted which, when added to the amount earnable by the beneficiary, equals the amount of his compensation for the last year prior to retirement.

(b) Should a disability beneficiary under the age of sixty (60) years be restored to active service, his retirement allowance shall cease, he shall again become a member of the Retirement System, and any annuity reserves on his retirement allowance at that time in the Annuity Reserve Fund shall be transferred to the Teacher Saving Fund and to the State Accumulation Fund, respectively, in proportion to the original sums transferred from his account to the An-

nulty Savings Fund at retirement. Upon restoration to membership any prior-service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his membership service. No teacher eligible to retire for service at sixty (60) years of age shall be allowed to retire on a disability allowance. If the disability beneficiary shall be removed from the disability list for any cause, the unused part of the reserves for the annuity purchased from his accumulated contributions shall be transferred to the Teacher Reserve Fund and the State Accumulation Fund, respectively, and disposed of as provided for in this Act.

#### 6. Return of Accumulated Contributions.

Should a member cease to be a teacher except by death or retirement under the provisions of this Act, he shall be paid in full the amount of the accumulated contributions standing to the credit of his individual account in the Teacher Saving Fund. Should a member die before retirement, the amount of his accumulated contributions standing to the credit of his individual account shall be paid as provided by the laws of descent and distribution of Texas unless he has directed the account to be paid otherwise. Seven (7) years after such cessation of service, if no previous demand has been made, any accumulated contributions of a contributor shall be returned to him or to his heirs. If the contributor or his heirs cannot then be found, his accumulated contributions shall be forfeited to the Retirement System and credited to the Permanent Retirement Fund.

#### 7. Optional Allowances.

With the provision that no optional selection shall be effective in case a beneficiary dies within thirty (30) days after retirement, and that such a beneficiary shall be considered as an active member at the time of death; until the first payment on account of any service benefit becomes normally due, any member may elect to receive his benefit in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent at that time, of his retirement allow-

ance in a reduced retirement allowance payable throughout life with the provision that:

Option (1). Upon his death, his reduced retirement allowance shall be continued throughout the life of, and paid to, such person as he shall nominate by written designation duly acknowledged and filed with the State Board of Trustees at the time of his retirement; or

Option (2). Upon his death, one-half ( $\frac{1}{2}$ ) of his reduced retirement allowance shall be continued through the life of, and paid to such person, as he shall nominate by written designation duly acknowledged and filed with the State Board of Trustees at or before the time of his retirement; or

Option (3). Some other benefit or benefits shall be paid either to the member, or to such person or persons as he shall nominate, provided such other benefit or benefits, together with the reduced service retirement allowance, shall be certified by the Actuary to be of equivalent actuarial value to his retirement allowance, and approved by the State Board of Trustees.

#### Sec. 6. Administration. State Board of Trustees.

(1) The general administration and responsibility for the proper operation of the Retirement System and for making effective the provisions of the Act are hereby vested in a State Board of Trustees which shall be organized immediately after a majority of the Trustees provided for in this Section shall have qualified and taken the oath of office.

(2) The Board shall consist of six (6) Trustees as follows:

(a) The State Life Insurance Commissioner, ex-officio.

(b) The Chairman of the State Board of Control of Texas, ex-officio.

(c) A person selected by the State Board of Education for a term of six (6) years.

(d) Three (3) of the Trustees shall be members of the Retirement System and shall be nominated by the members of the Retirement System for a term of six (6) years each according to such rules and regulations as the State Board of Trustees shall adopt to govern such nominations, provided that the first three (3) teachers to serve as members of the State Board of Trustees shall

be appointed by the Governor from a list of seven (7) teachers nominated by the Executive Committee of the Texas State Teachers Association. The terms of office of the first three (3) teacher-trustees shall begin immediately after they have qualified and taken the oath of office. They shall draw for terms of two (2), four (4), and six (6) years, which shall expire August 31, 1939, and August 31, 1941, and August 31, 1943, respectively. Thereafter, the State Board of Trustees shall provide for the nomination of three (3) teacher-members biennially by popular election of the members of the Retirement System, from which the Governor shall appoint one member to the State Board of Trustees; said member shall be subject to confirmation by two-thirds ( $\frac{2}{3}$ ) vote of the State Senate. The members so appointed shall serve for terms of six (6) years, or until their successors are qualified.

(3) If a vacancy occurs in the office of a Trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(4) The Trustees shall serve without compensation, but they shall be reimbursed from the Expense Fund for all necessary expenses that they may incur through service on the Board.

(5) Each Trustee shall, within ten (10) days after his appointment, in addition to the constitutional oath, subscribe to the following oath of office: "I do solemnly swear that I will, to the best of my ability, discharge the duties of a Trustee of The Teacher Retirement System and will diligently and honestly administer the affairs of the Board of Trustees of said Retirement System and that I will not knowingly violate or willingly permit to be violated any of the provisions of law applicable to said Retirement System." This oath shall be subscribed to by members making it before any officer qualified to administer oaths in Texas, and duly filed in the office of the Secretary of State.

(6) Each Trustee shall be entitled to one vote in the Board. A majority of the State Board of Trustees shall constitute a quorum and a majority vote of those present shall be necessary for a decision



by the Trustees at any meeting of said Board.

(7) Subject to the limitations of this Act, the State Board of Trustees shall, from time to time, establish rules and regulations for eligibility of membership and for the administration of the funds created by this Act and for the transaction of its business.

(8) The State Board of Trustees shall elect from its membership a Chairman and shall by a majority vote of all its members appoint an Executive Secretary who shall not be one of its members. Provided that the Executive Secretary appointed under the provisions of this Act shall be confirmed by a two-thirds ( $\frac{2}{3}$ ) vote of the Senate present and provided further that said Executive Secretary shall have been a citizen of Texas three (3) years immediately preceding his appointment. He shall recommend and nominate to the State Board of Trustees such actuarial and other service as shall be required to transact the business of the Retirement System. The compensation of all persons engaged by the State Board of Trustees, and all other expenses of the Board necessary for the operation of the Retirement System shall be paid at such rates and in such amounts as the State Board of Trustees shall approve, provided that in no case shall they be greater than that paid for like or similar service of the State of Texas.

(9) The State Board of Trustees shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the Retirement System, and for checking the expenses of the system.

(10) The State Board of Trustees shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the Retirement System for the preceding school year, the amount of the accumulated cash and securities of the System, and the last balance sheet showing the financial condition of the System by means of an actuarial valuation of the assets and liabilities of the Retirement System.

Legal Adviser.

(11) The Attorney General of the State of Texas shall be the legal ad-

viser of the State Board of Trustees, and shall represent it in all litigations.

Medical Board.

(12) The State Board of Trustees shall designate a Medical Board to be composed of three (3) physicians not eligible to participate in the Retirement System. The physicians so appointed by the State Board of Trustees shall be legally qualified to practice medicine in Texas and shall be physicians of good standing in the medical profession. If required, other physicians may be employed to report on special cases. The Medical Board shall pass upon all medical examinations required under the provisions of this Act, and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the State Board of Trustees its conclusion and recommendations upon all the matters referred to it.

Duties of Actuary.

(13) The State Board of Trustees shall designate an Actuary who shall be the technical adviser of the State Board of Trustees on matters regarding the operation of the funds created by the provisions of this Act, and shall perform such other duties as are required in connection therewith.

(14) Immediately after the establishment of the Retirement System, the Actuary shall make such investigation of the mortality, service, and compensation experience of the members of the System as he shall recommend and the State Board of Trustees shall authorize, and on the basis of such investigation he shall recommend for adoption by the State Board of Trustees such tables and such rates as are required. The State Board of Trustees shall adopt tables and certify rates, and as soon as practicable thereafter, the Actuary shall make a valuation based on such tables and rates, of the assets and liabilities of the funds created by this Act.

(15) In the year 1938, and at least once in each five-year period thereafter, the Actuary shall make, under the direction of the Board, an actuarial investigation into the mortality, service, and compensation experience of the members and bene-

ficiaries of the Retirement System, and shall make a valuation of the assets and liabilities of the funds of the System, and taking into account the result of such investigation and valuation, the State Board of Trustees shall adopt for the Retirement System such mortality, service, and other tables as shall be deemed necessary; and certify the rate per centum which shall be allowed in calculating amounts of prior-service reserves to be credited to the account of each member at retirement.

(16) On the basis of such tables as the State Board of Trustees shall adopt, the Actuary shall make an annual valuation of the assets and liabilities of the funds of the System created by this Act.

#### Sec. 7. Management of Funds.

(1) The State Board of Trustees shall be the trustees of the several funds as herein created by this Act, and shall have full power to invest and reinvest such funds subject to the following limitations and restrictions: All retirement funds, as are received by the Treasury of the State of Texas from contributions of teachers and employers as herein provided, may be invested only in bonds of the United States, the State of Texas, or counties, or cities, or school districts of this State, wherein said counties, or cities, or school districts have not defaulted in principal or interest on bonds within a period of ten (10) years, or in bonds issued by any agency of the United States Government, the payment of the principal and interest on which is guaranteed by the United States; and in interest bearing notes or bonds of the University of Texas issued under and by virtue of Chapter 40, Acts of the Forty-third Legislature, Second Called Session; provided that a sufficient amount of said funds shall be kept on hand to meet the immediate payment of the amounts that may become due each year as provided in this Act. The State Board of Trustees shall have full power by proper resolution to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds, provided that any money on hand shall be subject to the State Depository Laws of Texas.

(2) The State Board of Trustees annually shall allow regular interest on the mean amount for the preceding year in each of the funds with the exception of the Expense Fund as herein provided. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the State Board of Trustees from interest and any other earnings on the moneys of the Retirement System held in the Interest Fund. Any additional amount required to meet the regular interest on the funds of the Retirement System shall be paid from the interest reserve account of the Permanent Retirement Fund, as herein provided, and any excess of earning over such amount required shall be paid to the interest reserve account of the Permanent Retirement Fund.

(3) The Treasurer of the State of Texas shall be the custodian of all bonds, securities, and funds. All payments from said funds shall be made by him on warrants drawn by the State Comptroller of Public Accounts supported only upon vouchers signed by the Secretary of the Retirement System and the Chairman of the State Board of Trustees. A duly attested copy of a resolution of the State Board of Trustees designating such persons shall be filed with said Comptroller as his authority for issuing such warrants.

(4) For the purpose of meeting disbursements for annuities and other payments there may be kept available cash, not exceeding ten (10%) per centum of the total amount in the several funds of the Retirement System, on deposit with the State Treasurer.

(5) No trustee and no employee of the State Board of Trustees shall have any direct or indirect interest in the gains or profits of any investment made by the State Board of Trustees, nor as such receive any pay or emolument for his service other than his designated salary and authorized expenses, except such interest as such person or persons may have in the retirement funds as a member in the Retirement System.

#### Sec. 8. Method of Financing.

The amount contributed by each teacher to the Retirement Fund shall be five (5%) per centum of the regular annual compensation paid each member, the amount not to exceed One Hundred Eighty (\$180.00) Dol-

lars per annum. The amount contributed by the State of Texas to the Retirement Fund shall not exceed during any one year five (5%) per centum of salaries of all members disregarding salaries in amounts in excess of Three Thousand Six Hundred (\$3,600.00) Dollars, provided the total amount contributed by the State during any one (1) year shall equal the total amount contributed during the same year by all members of the Retirement System.

All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one (1) of six (6) funds, namely, the Teacher Saving Fund, the State Accumulation Fund, the Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, and the Expense Fund.

1. The Teacher Saving Fund.

(a) The Teacher Saving Fund shall be a fund in which shall be accumulated regular five (5%) per centum contributions from the compensation of members, including regular interest earnings. Contributions to and payments from the Teacher Saving Fund shall be made as follows:

(b) Each employer shall cause to be deducted from the salary of each member on each and every pay roll of such employer for each and every pay-roll period, five (5%) per centum of his earnable compensation, provided that the sum of the deductions made for a member shall not exceed One Hundred Eighty (\$180.00) Dollars during any one (1) year. Deductions shall begin with the first pay-roll period of the school year 1937-1938. In determining the amount earnable by a member in a pay-roll period, the State Board of Trustees may consider the rate of annual compensation payable to such member on the first day of the pay-roll period as continuing throughout such pay-roll period, and it may omit deduction from compensation for any period less than a full pay-roll period if a teacher was not a member on the first day of the pay-roll period, and to facilitate the making of deductions, it may modify the deduction required of any member by such an amount as shall not exceed one-tenth (1/10) of one (1%) per centum of the annual compensation upon the

basis of which such deduction is to be made.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation, less said deduction, shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Act. The employer shall certify to the State Board of Trustees on each and every pay roll, or in such other manner as said Board may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said Teacher Saving Fund, and shall be credited, to the individual account of the member from whose compensation said deduction was made.

(d) Interest on members' contributions will be credited annually as of August 31st and will not be allowed for parts of a year. Following the termination of membership in the Retirement System for those members who have been absent from service for five (5) years in any period of six (6) consecutive years, the Teacher Saving Fund account of such members shall be closed and warrants covering the total accumulated contributions sent to them upon the filing of formal application. Until the time of payment of such accumulated contributions, said teacher shall receive no interest on the amount due him under this subsection, and the amount shall be held in a non-interest-bearing account to be set up for such purpose.

(e) Upon the retirement of a member, his accumulated contributions shall be transferred from the Teacher Saving Fund to the Annuity Reserve Fund.

2. State Accumulation Fund.

The State Accumulation Fund shall be the fund in which shall be accumulated all contributions made to the Retirement System by the State of Texas; and from which shall be transferred at retirement of

a member to the Annuity Reserve Fund all annuity and benefit reserves due a member from this Fund, as a condition of his creditable service and membership at retirement. Contributions to and payments from this Fund shall be made as follows:

(a) The State of Texas shall pay annually into the State Accumulation Fund an amount equal to five (5%) per centum of the sum of the pay-roll compensation of all members of the Retirement System from the source and in the manner prescribed in subsection (7) of this Section.

(b) The State Accumulation Fund shall be divided for actuarial and administrative purposes, into two (2) ledger accounts as follows: (1) the membership-service account; and (2) the prior-service account. During the first year of the operation of the Retirement System and periodically thereafter as provided for in this Act, the adjustments of rates and formulas used in making calculations of amounts to be transferred on account of prior-service shall be based on studies made by the Actuary so that a balance between liabilities and assets of the two (2) accounts may be maintained and that equalizing reserves for each five-year period or more shall be created and maintained in the prior-service account of this fund.

(c) Upon the retirement of a member, an amount equal to his accumulated contributions in the Teacher Saving Fund shall be transferred from the membership-service account of the State Accumulation Fund to the Annuity Reserve Fund as a membership-service reserve for his retirement allowance; and an additional amount mechanically calculated shall be transferred from the prior-service account of the State Accumulation Fund to the Annuity Reserve Fund at retirement as provided for in section 5, subsections (2) and (3), paragraph (c) of this Act.

### 3. Annuity Reserve Fund.

The Annuity Reserve Fund shall be the fund in which shall be held all reserves for annuities granted and in force and from which shall be paid all annuities and all benefits in lieu of annuities, payable as provided in this Act. This fund shall be made up of transfers as follows:

(a) At the time of service retirement the accumulated contributions of a retiring teacher shall be transferred from the Teacher Saving Fund to the Annuity Reserve Fund as reserves for annuities purchased by his contributions.

(b) An amount equal to the accumulated contributions of each retiring teacher shall be transferred, upon service retirement, from the State Accumulation Fund as reserves for an additional annuity equal to the annuity purchased by the teacher, as provided for in section 5, subsection (2), paragraph (b) of this Act, and in subsection (a) next above.

(c) Reserves for prior-service annuities granted under this Act shall be transferred from the State Accumulation Fund as calculated in section 5, subsection (2) paragraph (c) of this Act, and as provided for in subsection (2) of this section.

(d) The accumulated contributions of teachers retired for permanent disability shall be transferred from the Teacher Saving Fund to the Annuity Reserve Fund upon retirement.

(e) Reserves for the remainder of the disability allowances shall be transferred from the State Accumulation Fund in the manner prescribed in Section 5, subsection (4), paragraphs (b) and (c) of this Act, and as provided for in subsection (2) of this Section.

Transfers from the Annuity Reserve Fund shall be made as follows: Should a beneficiary retired on account of disability be restored to active service or be removed from the disability list for any cause, the unused part of his annuity reserves shall be transferred from the Annuity Reserve Fund to the respective funds as provided for in Section 5, subsection (5), paragraph (b) of this Act.

### 4. Interest Fund.

The Interest Fund is hereby created to facilitate the crediting of uniform interest in the various other funds with the exception of the Expense Fund. All income, interest, and dividends derived from the deposits and investments authorized by this Act shall be paid into the Interest Fund. Once each year on August 31st, regular interest shall be allowed and transferred to the other funds, respectively, except the

Expense Fund. The State Board of Trustees shall annually transfer to the credit of the interest reserve account of the Permanent Retirement Fund all excess earnings after other funds have been duly credited with regular interest for the year in the manner provided in this Act.

**5. Permanent Retirement Fund.**

The Permanent Retirement Fund shall be a fund in which shall be accumulated all gifts, awards, funds, and assets accruing to the Retirement System not specifically required by other funds created by this Act, and to provide a contingent fund out of which special requirements of other funds may be covered. The principal of this Fund is hereby held and dedicated as a perpetual endowment of the Retirement System and shall not be diverted or appropriated to any other cause or purpose. All regular interest credited to this Fund and excess interest earnings transferred to this Fund shall be held as an interest reserve account from which payments shall be made as follows:

(a) The State Board of Trustees shall reserve and transfer such amount as may be required to guarantee regular interest on the mean amounts of investments of the funds created in this Act, except the Expense Fund.

(b) The said Board shall transfer annually from the interest reserves of this Fund to the Expense Fund such amount as is required to provide for the administration and maintenance of the Retirement System, provided the funds are available.

**6. Expense Fund.**

The Expense Fund shall be the fund from which the expenses of administration and maintenance of the Retirement System shall be paid. Transfers to and payments from this Fund shall be made as follows:

(a) The Executive Secretary shall prepare annually an itemized budget showing the amount required to defray the expenses for the ensuing fiscal year and shall submit the report to the State Board of Trustees for its review and adoption.

(b) Each member shall pay with the first payment to the Teacher Saving Fund each year, and in addition thereto, a sum of One (\$1.00) Dollar, which amount shall be credited to the Expense Fund, said payments

for the Expense Fund shall be made to the State Board of Trustees in the same way as payments to the Teacher Saving Fund shall be made, as provided for in this Act.

(c) If the amount estimated to be required to meet the expenses of the State Board of Trustees is in excess of one (\$1.00) Dollar per contributor for the year, the amount of such excess shall be paid from the interest reserve account of the Permanent Retirement Fund. If in the judgment of the State Board of Trustees, as evidenced by a resolution of that Board recorded in its minutes, the amount in the interest reserve account of the Permanent Retirement Fund exceeds the amount necessary to cover the ordinary requirement of that Fund for a period of five (5) years in the future, the Board may transfer to the Expense Fund such excess amount not exceeding the entire amount required to cover the expenses as estimated for the year.

(d) The sum of Twenty-five Thousand (\$25,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from the General Revenue Fund of the State not otherwise appropriated for the purpose of organizing the Retirement System and establishing an office. This sum shall be credited to said Expense Fund.

**7. Collection of Contributions.**

(1) The collection of members' contributions shall be as follows:

(a) Each employer shall cause to be deducted on each and every pay roll of a member for each and every pay roll period subsequent to the date of establishment of the Retirement System the contributions payable by such member, as provided in this Act. Each employer shall certify to the treasurer of said employer on each and every pay roll a statement as vouchers for the amount so deducted.

(b) The treasurer or proper disbursing officer of each employer on authority from the employer shall make deductions from salaries of teachers as provided in this Act, and shall transmit monthly, or at such time as the State Board of Trustees shall designate, a certified copy of the pay roll, and the amount specified to be deducted shall be paid to the Executive Secretary of the State

Board of Trustees, and after making a record of all receipts, the said Board shall pay them to the Treasurer of the State of Texas, and by him be credited to Teacher Retirement Fund, and such funds shall be deemed as appropriated for use according to the provisions of this Act. For the purpose of collecting contributions of teachers who are teaching in common school districts, the county superintendent or ex-officio county superintendent of each county of this State is hereby designated to perform the duties of employer of all common school districts over which he has jurisdiction, and he is hereby authorized and empowered to retain the amounts so deducted from pay rolls of members and have a corresponding amount deducted from any funds available for paying teachers' salaries, and transmit same to the Executive Secretary of the State Board of Trustees as provided for in this Act. Any college or university or other educational institution or agency supported in whole or in part by the State shall have the amount retained or deducted from the funds regularly appropriated by the State for the current maintenance for such educational departments and institutions.

(c) For the purpose of enabling the collection of five (5%) per centum of the salaries of the members of the Retirement System to be made as simple as possible, the State Board of Trustees shall require the secretary or other officer of each employer-board or agency, within thirty (30) days after the beginning of each school year, to make up a list of all teachers in its employ, who are members of the Retirement System, set out their salaries by the month and by the year, make an affidavit to the correctness of this statement, and file the same with the Executive Secretary of the State Board of Trustees of the Teacher Retirement System. If additions to or deductions from this list should be made during the year, such additions or deductions shall likewise be certified under oath to the State Board of Trustees of the Teacher Retirement System.

(d) The State Treasurer shall furnish annually to the State Board of Trustees a sworn statement of the amount of the funds in his custody

belonging to the Retirement System. The records of the State Board of Trustees shall be open to public inspection and any member of the Retirement System shall be furnished with a statement of the amount to the credit of his individual account upon written request by such member, provided that the State Board of Trustees shall not be required to answer more than one such request of a member in any one year.

(2) The collection of the State's contributions shall be made as follows:

(a) On or before the first day of November, next preceding each Regular Session of the Legislature of Texas, the State Board of Trustees shall certify to the State Board of Control for its review and adoption, the amount necessary to pay the contribution of the State of Texas to the Teacher Retirement System for the ensuing biennium. This amount shall be included in the budget of the State, which the Governor submits to the Legislature. Provided, however, that no appropriation shall be made by the Legislature out of the General Funds of the State of Texas for the payment of benefits as herein provided for. Payments can only be made out of special taxes levied as authorized in the Constitutional amendment for the retirement of teachers.

(b) The State Board of Trustees shall certify one-quarter ( $\frac{1}{4}$ ) of the amount so ascertained for each year to the State Comptroller and to the Treasurer of the State on or before the last day of December, February, May, and September. Upon proper resolution by the Board of Trustees the Comptroller shall on or before the first day of January, March, June and October, draw a warrant or warrants on the Treasurer of the State of Texas for the respective amounts due the State Retirement System. On the receipt of the warrant of the Comptroller, the Treasurer of the State of Texas shall immediately transfer to the State Retirement System the amount due the State Accumulation Fund on account of the State, as provided in this Act.

Sec. 9. Exemptions from Execution. The right of a person to an annuity or a retirement allowance, to the return of contributions, annuity, or retirement allowance it-

self, any optional benefit or any other right accrued or accruing to any person under the provisions of this Act, and the moneys in the various funds created by this Act, are hereby exempt from any State or municipal tax, and exempt from levy and sale, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this Act specifically provided.

Sec. 10. Protection against Fraud. Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record or records of this Retirement System in any attempt to defraud such System as a result of such act shall be guilty of a felony, and shall be punished as provided for under the laws of Texas. Should any change or error in the records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, the State Board of Trustees shall correct such error, and so far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

Sec. 11. Surety Bonds. The Treasurer of the State of Texas shall, upon becoming custodian of the Teacher Retirement Fund, give a bond in the sum of Fifty Thousand (\$50,000.00) Dollars; the Executive Secretary shall give bond in the sum of Twenty-five Thousand (\$25,000.00) Dollars, and the State Board of Trustees shall require any other employees and members of the State Board of Trustees to give bond in such amounts as the Board may deem necessary, conditioned that said bonded persons will faithfully execute the duties of the respective offices. All bonds shall be made with a good and solvent surety company, authorized to do business in the State of Texas, said bonds shall be made payable to the State Board of Trustees and shall be approved by it and the Attorney General of Texas. All expense necessary and incident to the execution of such bonds, including premiums thereon, shall be paid by the State Board of Trustees from the Expense Fund.

Sec. 12. Limitation on Member-

ship. No other provision of law in any other statute which provides wholly or partly at the expense of the State of Texas for pensions or retirement benefits for teachers of the said State, their widows, or other dependents, shall apply to members or beneficiaries of the Retirement System established by this Act.

Sec. 13. The Legislature hereby reserves the right to amend any section, paragraph or any and all provisions of this Act as it may from time to time deem necessary.

Sec. 14. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Sec. 15. The importance of this measure to the people thereof, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

(Senator Aikin in the Chair.)

#### Report of Free Conference Committee on House Bill No. 560.

Senator Nelson submitted the following report of the Conference Committee on H. B. No. 560:

Committee Room,  
Austin, Texas, May 20, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.  
Hon. Walter F. Woodul, President of the Senate.

Gentlemen: We, your Conference Committee appointed to adjust the differences between the Senate and House on H. B. No. 560, have had same under consideration and beg leave to report that we recommend the passage of said H. B. No. 560 in the form attached hereto.

Respectfully submitted,

WINFIELD,  
NEAL,  
NELSON,  
NEWTON,

On the part of the Senate.

ALEXANDER,  
HARRIS of Dickens,  
SETTLE,  
KERN,  
CATHEY,  
On the part of the House.

By Alexander H. B. No. 560.

A BILL  
To Be Entitled

An Act prescribing the maximum amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and/or traveling expenses in counties with a population of not less than 16,600 and not more than 17,060; and in counties having a population of not less than 38,760 inhabitants and not more than 38,780 inhabitants; and in counties having a population of not less than 26,382 and not more than 26,400 inhabitants; and in counties having a population of not less than 23,669 nor more than 23,775 inhabitants; and in counties having a population of not less than 19,173 nor more than 19,183 inhabitants; and in counties having a population of not less than 17,565 nor more than 17,585 inhabitants; and in counties having a population of not less than 48,518 nor more than 48,538 inhabitants; and in counties having a population of not less than 53,925 nor more than 53,947 inhabitants; and in counties having a population of not less than 33,307 nor more than 33,328 inhabitants; and in counties having a population or not less than 31,395 nor more than 31,400 inhabitants; and in counties having a population of not less than 14,910 nor more than 14,917 inhabitants; and in counties having a population of not less than 8,600 nor more than 8,610 inhabitants; and in counties having a population of not less than 5,665 nor more than 5,670 inhabitants; and in counties having a population of not less than 12,185 nor more than 12,190 inhabitants; and in counties having a population of not less than 5,585 nor more than 5,589 inhabitants; and in counties having a population of not less than 41,020 nor more than 41,030

inhabitants; and in counties having a population of not less than 43,035 nor more than 43,040 inhabitants; and in counties having a population of not less than 20,100 nor more than 20,150 inhabitants; and in counties having a population of not less than 9,025 nor more than 9,050 inhabitants; and in counties having a population of not less than 39,100 and not more than 39,110 inhabitants; and in counties having a population of not less than 12,785 nor more than 12,790 inhabitants; and in counties having a population of not less than 13,570 and not more than 13,580 inhabitants; and in counties having a population of not less than 34,155 nor more than 34,160 inhabitants; and in counties having a population of not less than 12,785 nor more than 12,790 inhabitants; and in counties having a population of not less than 19,320 nor more than 19,325 inhabitants; and in counties having a population of not less than 14,180 nor more than 14,185 inhabitants; and in counties having a population of not less than 24,230 nor more than 24,235 inhabitants; and in counties having a population of not less than 6,695 nor more than 6,700 inhabitants; and in counties having a population of not less than 16,560 nor more than 16,565 inhabitants; and in counties having a population of not less than 5,250 nor more than 5,255 inhabitants; and in counties having a population of not less than 16,665 nor more than 16,670 inhabitants; and in counties having a population of not less than 12,360 nor more than 12,420 inhabitants; and in counties having a population of not less than 13,560 nor more than 13,585 inhabitants; and in counties having a population of not less than 8,590 nor more than 8,890 inhabitants; and in counties having a population of not less than 9,290 and not more than 9,400 inhabitants; and in counties having a population of not less than 6,800 and not more than 6,830 inhabitants; and in counties having a population of not less than 17,445 and not more than 17,465 inhabitants; and in counties hav-



ing a population of not less than 11,021 and not more than 11,050 inhabitants; and in counties having a population of not less than 16,020 nor more than 16,500 inhabitants according to the last Federal Census in each instance; repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In counties with a population of not less than 16,600 and not more than 17,060; and in counties having a population of not less than 38,760 inhabitants and not more than 38,780 inhabitants; and in counties having a population of not less than 26,382 and not more than 26,400 inhabitants; and in counties having a population of not less than 23,669 nor more than 23,775 inhabitants; and in counties having a population of not less than 19,173 nor more than 19,183 inhabitants; and in counties having a population of not less than 17,565 nor more than 17,585 inhabitants; and in counties having a population of not less than 48,538 nor more than 48,518 inhabitants; and in counties having a population of not less than 53,925 nor more than 53,947 inhabitants; and in counties having a population of not less than 33,307 nor more than 33,328 inhabitants; and in counties having a population of not less than 31,395 nor more than 31,400 inhabitants; and in counties having a population of not less than 14,910 nor more than 14,917 inhabitants; and in counties having a population of not less than 8,600 nor more than 8,610 inhabitants; and in counties having a population of not less than 5,665 nor more than 5,670 inhabitants; and in counties having a population of not less than 12,185 nor more than 12,190 inhabitants; and in counties having a population of not less than 5,585 nor more than 5,589 inhabitants; and in counties having a population of not less than 41,020 nor more than 41,030 inhabitants; and in counties having a population of not less than 43,035 nor more than 43,040 inhabitants; and in counties having a population of not less than 20,100 nor more than 20,150 inhabitants; and in counties having a population of not less than 9,025 nor more than 9,050

inhabitants; and in counties having a population of not less than 39,100 and not more than 39,110; and in counties having a population of not less than 12,370 nor more than 12,380 inhabitants; and in counties having a population of not less than 13,570 and not more than 13,580 inhabitants; and in counties having a population of not less than 34,155 nor more than 34,160 inhabitants; and in counties having a population of not less than 12,785 nor more than 12,790 inhabitants; and in counties having a population of not less than 19,320 nor more than 19,325 inhabitants; and in counties having a population of not less than 14,180 nor more than 14,185 inhabitants; and in counties having a population of not less than 24,230 nor more than 24,235 inhabitants; and in counties having a population of not less than 6,695 nor more than 6,700 inhabitants; and in counties having a population of not less than 16,560 nor more than 16,565 inhabitants; and in counties having a population of not less than 5,250 nor more than 5,255 inhabitants; and in counties having a population of not less than 16,665 nor more than 16,670 inhabitants; and in counties having a population of not less than 12,360 nor more than 12,420 inhabitants; and in counties having a population of not less than 13,560 nor more than 13,585 inhabitants; and in counties having a population of not less than 8,590 nor more than 8,890 inhabitants; and in counties having a population of not less than 9,290 and not more than 9,400 inhabitants; and in counties having a population of not less than 6,800 and not more than 6,830 inhabitants; and in counties having a population of not less than 17,445 and not more than 17,465 inhabitants; and in counties having a population of not less than 11,021 and not more than 11,050 inhabitants; and in counties having a population of not less than 16,020 and not more than 16,500 inhabitants according to the last Federal Census in each instance, the County Boards of Trustees may make such provisions as they deem necessary for office and/or traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for such necessary office

and/or traveling expenses shall not exceed the sum of Six Hundred (600) Dollars per annum. The amount of such expenses so allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent of Public Instruction.

Sec. 2. All laws and parts of laws, general or special, in conflict with this Act are hereby repealed.

Sec. 3. The fact that the amount of office and/or traveling expenses allowed to be paid County Superintendents in certain counties under existing laws is inadequate constitutes an emergency and an imperative public necessity, that the Constitutional Rule requiring all bills to be read on certain days in each House, be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Nelson moved that the report be adopted.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

#### Senate Bill No. 300 With House Amendments.

Senator Beck called up Senate Bill No. 300 from the President's table, for consideration of the House amendments to the bill.

The Presiding Officer laid the bill before the Senate and the House amendments were read.

Senator Beck moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

(President in the Chair.)

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 20, 1937.  
Hon. Walter F. Woodul, President of the Senate.

The House has refused to concur in Senate Amendments to House Bill No. 293, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Messrs. Harris of Archer, Tarwater, Keith, McDonald, Leonard.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 195. The following are the conferees on the part of the House:

Messrs. Jones of Wise, Alsup, Morris, Jones of Angelina, Bradbury.

The House has adopted the Conference Committee report on H. B. No. 560 by a vote of 119 yeas, 0 nays.

The House has adopted the Conference Committee report on H. B. No. 1175 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 592 by a vote of 120 yeas, 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Report of Conference Committee on House Bill No. 24.

Senator Davis submitted the fol-

lowing report of the Conference Committee on H. B. No. 24.

Committee Room,  
Austin, Texas, May 20, 1937.  
Hon Walter F. Woodul, President of  
the Senate,

Hon. R. W. Calvert, Speaker of the  
House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on H. B. No. 24, have had the same under consideration and beg to recommend that the bill pass in the form hereto attached.

DAVIS,  
STONE,  
ISBELL,  
WOODRUFF,

On the part of the Senate.

WOOD,  
MORRIS,  
FUCHS of Washington.  
On the part of the House.

H. B. No. 24.

#### A BILL

##### To Be Entitled

An Act to be known as the "State Soil Conservation Act"; reciting the legislative determination and declaration of policy; describing the consequences of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing six (6) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for seven (7) ex-officio members; providing for the establishing of County Soil Conservation Committees; defining the duties of the members thereof; providing for the creation of Soil Conservation Districts; providing the manner of selection of the Directors of said Soil Conservation Districts; defining the powers and duties of said Directors acting for and through such Soil Conservation Districts; providing for cooperation between State and District agencies; providing that the State Treasurer shall act as the Treas-

urer for the State Soil Conservation Board; prescribing the duties of the State Treasurer and County Treasurer or Treasurers with reference to funds of the Board; providing for the exemption of landowners upon advice in writing of their desire to be exempted; providing for the diversion and granting by the State to the State Soil Conservation Board for use of the State Soil Conservation Board and County Soil Conservation Districts certain taxes levied upon property within the State; prescribing the method by which said taxes shall be diverted; making any prior diversion of taxes by a River Authority superior to any grant by this Act; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several Districts described herein; providing method by which Soil Conservation Districts may be discontinued; repealing Senate Bill No. 227, Regular Session, Forty-fourth Legislature, Page 504; providing that House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, and House Bill No. 978, Regular Session Forty-fourth Legislature, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain Districts; providing separability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Short Title. This Act may be known and cited as the State Soil Conservation Law.

Sec. 2. Legislative Determinations and Declaration of Policy. It is hereby declared, as a matter of Legislative determination:

A. The condition. That the farm and grazing lands of the State of Texas are among the basic assets of the State and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are causing and con-

tributing to, a progressively more serious erosion of the farm and grazing lands of this State by wind and water; that the breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed out of fields and pastures; that there has been an accelerated washing of sloping fields; that these processes of erosion by wind and water speed up with removal of absorptive topsoil; that failure by any occupier of land to conserve the soil and control erosion upon such land causes a washing and blowing of soil and water from such lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible.

B. The consequences. That the consequences of such soil erosion in the form of soil-blowing and soil-washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes, and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wild life; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall runoff, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms; the losses in navigation, hydro-electric

power, municipal water supply, irrigation developments, farming and grazing.

C. The appropriate corrective methods. That to conserve soil resources and control and prevent soil erosion, it is necessary that land-use practices contributing to soil waste and soil erosion may be discouraged and discontinued, and appropriate soil conserving land-use practices be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick growing, soil holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

D. Declaration of policy. It is hereby declared to be the policy of the Legislature to provide for the conservation of soil and soil resources of this State, and for the control and prevention of soil erosion, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wild life, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this State, and thus to carry out the mandate expressed in Article XVI, Section 59a, of the Constitution of Texas.

It is further declared as a matter of Legislative intent and determination of policy that the agencies created, powers conferred and the activities contemplated in this Act for the conservation of soil and water resources and for the reduction of public damage resulting from failure to conserve such natural resources, shall be supplementary and complementary to the work of various river

and other authorities now established in this State and to other State officers, agencies, and Districts engaged in closely related projects, and shall not be duplicative thereof nor conflicting therewith.

Sec. 3. Definitions. Wherever used or referred to in this Act, unless a different meaning clearly appears in the context:

1. "Board" means the State Soil Conservation Board created under the terms of this Act is Section IV with the powers and duties set forth herein.

2. "District" or "Districts" means the County Soil Conservation Districts created under the terms of this Act in Section V as governmental subdivisions of this State with powers, duties and restrictions, as set forth herein.

3. "District Committees" means the Committees created in Section IV subsections A and B of this Act for the purpose of electing the six (6) members of the State Soil Conservation Board.

4. "Directors" means the members of the Board of Directors of the County Soil Conservation Districts.

5. "State" means the State of Texas.

6. "Agency of this State" includes the government of this State and any other subdivisions, agency, or instrumentality corporate or otherwise, of the government of this State.

7. "United States" or "Agencies of the United States" includes the United States of America, and any agency or instrumentality corporate or otherwise of the United States of America.

8. "Landowner," or owner of land," includes any person who holds legal or equitable title to any lands lying within a Soil Conservation District organized under the provisions of this Act, and who is in actual possession of such lands, and who is a duly qualified voter within such District.

9. "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such publication of general circulation be available, by posting at a reasonable num-

ber of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs, generally. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

Sec. 4. State Soil Conservation Board. A. There is hereby established to serve as an agency of the State and to perform the functions conferred on it in this Act, the State Soil Conservation Board. The board shall consist of six (6) members. The following shall serve ex-officio, without vote, as members of the Board; the President of Agricultural and Mechanical College of Texas, the President of Texas Technological College, the Director of Vocational Agriculture of Texas, the State Commissioner of Agriculture, State Forester, the State Reclamation Engineer, and the State Coordinator of Soil Conservation. The six (6) elected members of the Board shall be selected as follows: The State of Texas is hereby divided into six (6) State Districts for the purpose of selecting six (6) members of the State Soil Conservation Board. These six (6) State Districts shall be composed as follows:

State District No. 1, comprising forty-four (44) counties; namely: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, and Stone-wall.

State District No. 2, comprising 42 counties; namely: Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, El Paso, Hudspeth, Culberson, Reeves, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, Jeff Davis, Pecos, Crockett, Schleicher, Menard, Presidio, Brewster, Terrell, Sutton, Kim-

ble, Val Verde, Edwards, Kinney, and Maverick.

State District No. 3, comprising forty two (42) counties; namely: Kerr, Kendall, Comal, Guadalupe, Real, Bandera, Gonzales, Lavaca, Uvalde, Medina, Bexar, Wilson, De Witt, Jackson, Zavala, Frio, Atascosa, Karnes, Victoria, Goliad, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Calhoun, San Patricio, Aransas, Webb, Duval, Jim Wells, Nueces, Kleberg, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hidalgo, Willacy, and Cameron.

State District No. 4, comprising forty-two (42) counties; namely: Mills, Hamilton, Coryell, McLennan, Limestone, Freestone, Leon, Falls, McCulloch, San Saba, Lampasas, Bell, Robertson, Madison, Brazos, Montgomery, Lee, Travis, Blanco, Gillespie, Hays, Bastrop, Fayette, Washington, Austin, Waller, Colorado, Fort Bend, Wharton, Brazoria, Harris, Galveston, Caldwell, and Matagorda.

State District No. 5, comprising forty-two (42) counties; namely: Fannin, Lamar, Red River, Bowie, Delta, Hunt, Hopkins, Franklin, Titus, Camp, Morris, Cass, Rains, Wood, Upshur, Marion, Harrison, Van Zandt, Gregg, Smith, Henderson, Rusk, Panola, Anderson, Cherokee, Shelby, Houston, Nacogdoches, San Augustine, Sabine, Angelina, Trinity, Polk, Tyler, Jasper, Newton, San Jacinto, Hardin, Orange, Liberty, Jefferson, and Chambers.

State District No. 6, comprising forty-two (42) counties; namely: Hardeman, Foard, Wilbarger, Wichita, Clay, Knox, Baylor, Archer, Montague, Cooke, Grayson, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Kaufman, Taylor, Callahan, Eastland, Erath, Somervell, Hood, Johnson, Ellis, Runnels, Coleman, Brown, Comanche, Bosque, Hill, Navarro.

B. The Commissioners Court of each county within thirty (30) days after this Act becomes effective, shall call a meeting or convention in each precinct, of the resident landowning taxpayers who are qualified voters in such precinct, and who are actively engaged in the business of farming or animal husbandry, at a place and time for each precinct to be designated by the Commissioners Court,

for the purpose of electing a member of the County Soil Conservation Committee. A majority vote of those present at such meeting, who are resident landowning taxpayers and qualified voters in the precinct, who are actively engaged in the business of farming or animal husbandry, shall be necessary to elect such member of the County Soil Conservation Committee. Each member so elected shall be a resident landowner, legally qualified voter of the precinct from which he is elected, and shall be actively engaged in the business of farming or animal husbandry.

The Commissioner of each precinct shall act as Chairman of the meeting in such precinct. If said Commissioner is absent, those present who are resident landowning taxpayers and qualified voters of such precinct shall elect an acting Chairman from among their number who shall preside at said meeting.

The name of the member so elected shall be certified to the County Judge who shall, within five (5) days, officially notify the persons so elected that he has been elected as a member of such Committee.

The County Soil Conservation Committee shall select one of its members as Chairman, who shall have authority to cast an additional vote in case of a tie and shall be charged with the usual and customary duties of a presiding officer. A majority of the members shall constitute a quorum and the concurrence of a majority of the members in any matter within their jurisdiction shall be required for final determination.

Vacancies upon the County Soil Conservation Committee shall be filled for an unexpired term, or for a full term, by the same manner in which the retiring members were respectively selected.

Members of a County Soil Conservation Committee shall receive no compensation for their services except the delegate to the District Convention who shall receive the amount incurred as necessary expenses and Four Dollars (\$4) per day not to exceed two (2) days to be paid by the State Soil Conservation Board created herein.

The first County Soil Conservation Committee elected in each county shall be elected to serve as follows:

1. Precincts One (1) and Three

(3) In each county shall elect a Committee member to serve for a period ending the first Tuesday in January, 1939, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

2. Precincts Two (2) and Four (4) in each county shall each elect a Committee member to serve for a period ending the first Tuesday in January, 1940, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in January new members shall be elected as hereinabove provided and shall serve for a term of two (2) years.

C. The County Soil Conservation Committee in each county shall elect one of its number as a delegate to attend the State District Conservation Convention which shall be held within each State District, at a time and place designated by the Governor of the State of Texas, said date to be not later than forty-five (45) days after the effective date of this Act, and each State District Convention shall elect, by a majority vote a member of the State Soil Conservation Board. Each member so elected shall be a resident landowner and legally qualified voter of the district from which he is elected and shall be actively engaged in the business of farming or animal husbandry. A majority of all county delegates elected to the State District Convention shall constitute a quorum.

State Districts One (1), Three (3) and Five (5) shall each elect a Board Member to serve on the State Soil Conservation Board for a period ending the first Tuesday in February, 1939, or until their successors are elected and have qualified. Biennially thereafter on the first Tuesday in February new Board members shall be elected as hereinabove provided and shall serve for a term of Two (2) years.

State Districts Two (2), Four (4) and Six (6) shall each elect a Board Member to serve on the State Soil Conservation Board for a period ending the first Tuesday in February, 1940, or until their successors are elected and have qualified. Biennially thereafter on the first

Tuesday in February, new members shall be elected to serve for a term of two (2) years or until their successors are elected and have qualified.

D. The State Soil Conservation Board shall meet to organize at a time and place to be designated by the Governor of Texas, within ten (10) days following the election of such members, and shall thereafter meet from time to time as necessary. Each Member of the State Soil Conservation Board shall take the State Constitutional Oath of Office, and said State Soil Conservation Board shall designate one of its elective members to serve as Chairman and may from time to time change such designation.

Vacancies upon such Board shall be filled for an unexpired term or for a full term, by the same manner in which the retiring members were respectively elected. Elective members of the Board may receive compensation for their services on the Board not to exceed the sum of Ten Dollars (\$10.00) per diem for each day of actual service rendered, but said members shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the Board.

E. A majority of the elective members of the State Soil conservation Board shall constitute a quorum and the concurrence of a majority of the elective members in any matter within their duties shall be required for its determination. The State Board shall keep a complete and accurate record of all its official actions, hold such public hearings at such times and places within the State as may be determined by the Board, and shall promulgate such rules and regulations as may be necessary for the performance of the functions of said Board under the provisions of this Act. The Board shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property.

F. The State Soil Conservation Board may employ an administrative officer and such technical experts and such other agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties, and compensation; said compensa-

tion, however, to be in line with that paid for similar services in other departments of the State; provided that the total amount to be spent by the State Soil Conservation Board for salaries and administrative expenses shall not exceed five (5%) per cent of the moneys received by said Board. The Board may call upon the Attorney General of the State for such legal services as it may require. It shall have authority to delegate to its chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper. It shall have authority to locate its office at a point to be selected by the Board. It shall have authority to acquire and pay for any space rental, personal property, and incidental service, or transportation, or means of communication reasonably required to forward the objects of this Act. Upon request of the Board, for the purpose of carrying out any of its functions, the supervising officer of any State agency, or of any State institution of learning, shall, in so far as may be possible, under available appropriations, and having due regard to the needs of the agency to which the request is directed, assign, or detail to the Board members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the Board may request.

G. In addition to the duties and powers hereinafter conferred upon the State Soil Conservation Board, it shall have the following duties and powers:

(1) To offer any such assistance as may be appropriate to the Directors of Soil Conservation Districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.

(2) To keep the directors of each of the several Districts organized under the provisions of this Act informed of the activities and experience of all other Districts organized hereunder, and to facilitate an interchange of advice and experience between such Districts and co-operation between them.

(3) To co-ordinate the programs of the several Soil Conservation Districts organized hereunder so far as this may be done by advice and consultation.

(4) To secure the co-operation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such Districts.

(5) To disseminate information throughout the State concerning the activities and programs of the Soil Conservation Districts organized hereunder, and to encourage the formation of such Districts in areas where their organization is desirable.

H. The State Treasurer's Official Bond shall be liable for all moneys and securities of the State Board, and he shall have the care and custody of all funds and securities of the State Board in the manner as is now provided by law. Any funds coming into the hands of the Treasurer of this State, as hereinafter provided, shall be by him credited to a special fund to be known as the State Soil Conservation Fund and the moneys hereafter deposited or credited in such Fund are hereby appropriated to the use and benefit of the State Soil Conservation Board, as may be by said Board used in compliance with this Act. The Board shall provide and furnish an annual audit by a Certified Public Accountant and a report to the Governor of the State.

#### Sec. 5. County Soil Conservation District.

A. The creation and incorporation of County Soil Conservation Districts co-extensive with the boundaries of any county in this State is hereby authorized under and by virtue of Section 59, into such a Conservation District when the qualified tax paying voters of such county voting at an election to be held for such purpose by a majority vote sanction and authorize the creation and incorporation of such district. The creation of such districts is deemed essential to the accomplishment of the purpose of the above mentioned sections of the Constitution and when any such district is created, as herein provided, the same shall be a governmental agency and body politic and corporate with the powers of government and with authority to exercise the rights, privileges and functions as are now conferred by this Article. Such a district shall bear the name of the county creating same and shall be so designated.



B. When petitioned by not less than fifty (50) duly qualified tax paying voters of such county the Commissioners' Court of any county in such county in this State shall call an election to be held throughout such county to determine whether a majority of the legally qualified land owning voters of such county who are actively engaged in the business of farming or animal husbandry of such county favor the creation and incorporation of the area of such county into a Soil Conservation District. The procedure for holding and declaring the result of such an election shall be in substantial compliance with the requirements for elections to vote bonds for public improvements. All persons who are legally qualified landowning voters who are actively engaged in the business of farming or animal husbandry shall be entitled to vote at such election. Each voter favoring the creation and incorporation of such district shall have written or printed on his ballot.

"For the creation and incorporation of the \_\_\_\_\_ County Soil Conservation District." and each voter who opposes the creation of such district shall have written or printed on his ballot, "Against the creation and incorporation of the \_\_\_\_\_ County Soil Conservation District."

C. When the returns of the election in Section B have been canvassed by the Commissioners' Court the result of such election shall be declared by order entered on the minutes of said court, and if the result is in favor of the creation and incorporation of the District, the County Judge shall issue an order declaring such district to be created and incorporated and such order shall also be entered in the Minutes of the Commissioners' Court and a certified copy thereof recorded in the deed records of the county; thereupon the district shall be deemed to be legally created and incorporated with all rights, powers, authority and privileges herein conferred and authorized by Section 59 of Article XVI of the Constitution, for the purpose of conserving and reclaiming the soil in such district and for soil and conservation and flood control purposes in accordance with the provisions of this Act.

D. When a Soil Conservation District is created the County Soil Conservation Committee referred to in Section 4 of this Act shall thereupon become the governing body of such District and shall be known and designated as directors of said District. Said directors shall elect one of their own number as chairman, with authority to vote in case of a tie and charged with the usual and customary duties as a presiding officer. A majority of the directors shall constitute a quorum and the concurrence of a majority of the directors present in any matter within their duties shall be required for final determination. Said directors may receive compensation for their services not to exceed Four (\$4) Dollars each day they shall be in actual attendance upon the duties of the office within the District and not to exceed twenty (20) days in any one calendar year, and not to exceed Four (\$4) Dollars and necessary expenses incurred for services other than within the District; said compensation for services outside the District to be approved by the State Board.

E. The County Treasurer shall serve as treasurer of the District and the County Clerk as clerk of the governing body. The treasurer shall have the care and custody of all funds, obligations and securities of the district and shall disburse and dispose of same in compliance with the orders of the governing body. The clerk shall keep an accurate record of all orders, minutes and resolutions of the governing body and shall countersign all vouchers and documents and perform such other acts as may be directed by the governing body. The duties herein imposed upon the County Judge and Commissioners, the County Clerk and Treasurer shall be ex-officio duties under and by virtue of their tenure of office as county officials.

F. The governing body of the County Soil Conservation District may utilize the services of the County Agricultural Agent and the facilities of the County Extension Service Office in carrying out the powers, privileges and functions incident to the soil conservation program within the County Soil Conservation District.

**Sec. 6. Powers of Districts and Directors.**

A Soil Conservation District organized under the provisions of this Act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such District, and the directors thereof, shall have the following powers, in addition to others granted in other sections of this Act:

(1) To carry out preventative and control measures within the District including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in Subsection C of Section 2 of this Act, on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the District upon obtaining the consent of the owner of such lands or the necessary rights or interests in such lands;

(2) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any owner of lands within the District, in the carrying on of erosion control and prevention operations within the District, subject to such conditions as the directors may deem necessary to advance the purposes of this Act:

(3) To obtain options upon and to acquire, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this Act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this Act:

(4) To make available on such terms as it shall prescribe, to landowners within the District, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings and such other material or equipment, as will assist such landowners to carry on operations upon

their lands for the conservation of soil resources and for the prevention and control of soil erosion.

(5) To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this Act:

(6) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the District, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish such plans and information and bring them to the attention of owners of lands within the District;

(7) To take over, by purchase, lease, or otherwise, and to administer, any soil-conservation, erosion-control, or erosion-prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this State or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to act as agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, erosion-control, or erosion-prevention project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this State or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

(8) To sue and be sued in the name of the District; to have a seal; which seal shall be judicially noticed; to have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regula-

tions not inconsistent with this Act; to carry into effect its purposes and powers;

(9) To enter into contracts and agreements with the County Commissioners of any county for the use of road machinery or other county equipment that may be available for use in soil conservation work;

(10) As a condition to the extending of any benefits under this Act to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the directors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and may require landowners to enter into and perform such agreements or covenants as to the permanent use of such land as will tend to prevent or control erosion thereon;

(11) No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a District organized hereunder the Legislature shall specifically so state.

Sec. 7. Adoption of Land-Use Regulations. The director of any District shall have authority to formulate regulations governing the use of lands within the District in the interest of conserving soil and soil resources and preventing and controlling soil erosion. In formulating such regulations and methods, the directors of any District may provide therefor on any one or all of the watersheds within the District taking each such watershed as a whole if found desirable and feasible.

All provisions hereinafter enacted relative to the adoption of land-use regulations, shall apply to watershed soil conservation projects. If two or more contiguous counties and not to exceed three counties through which a common watershed area extends, each adopt similar watershed soil conservation projects on said common watershed, the directors of such county conservation Districts may cooperate, as provided in Section 9 hereof, by mutual agreements between the directors of the different county districts and put in force and operation such uniform soil conservation projects as may be agreed upon. The directors may conduct such public meetings and public hearings upon tentative regu-

lations as may be necessary to assist them in this work. The directors shall not have authority to enact such lands-use regulations into law until after they have caused due notices to be given of their intention to conduct an election for submission of such regulations to the owners of lands lying within the boundaries of the District for their indication of approval or disapproval of such proposed regulations, and until after the directors have considered the result of such election. The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for inspection during the period between publication of such notice and the date of the election. The notices of the election shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots, upon which the words "For approval of proposed ordinance No. \_\_\_\_\_, prescribing land-use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance No. \_\_\_\_\_, prescribing land-use regulations for conservation of soil and prevention of erosion" shall appear. The Directors shall supervise such election, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof. All resident landowners who are qualified voters and who are actively engaged in the business of farming or animal husbandry within the District shall be eligible to vote in such election, said voters shall vote in the commissioners precinct where they actually reside. Only such landowners shall be eligible to vote. No informalities in the conduct of such election or in any matters relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given substantially as herein provided and said election shall have been fairly conducted.

The directors shall not have authority to enact such proposed ordinance into law unless at least two-thirds of the legal votes cast in such election shall have been cast for approval of the said proposed ordinance. The approval of the proposed ordinance by two-thirds of the

legal votes cast in such election shall not be deemed to require the directors to enact such proposed ordinance into law. Land-use regulations prescribed in ordinances adopted pursuant to the provisions of this Section by the directors of any District shall have the force and effect of law in the said District and shall be binding and obligatory upon all owners of land within such District.

Any owner of land within such District may at any time file a petition with the directors asking that any or all of the land-use regulations prescribed in any ordinance adopted by the directors under the provisions of this Section shall be amended, supplemented, or repealed. Land-use regulations prescribed in any ordinance adopted pursuant to the provisions of this Section shall not be amended, supplemented, or repealed except in accordance with the procedure prescribed in this Section for adoption of land-use regulations. Elections on adoption, amendment, supplementation, or repeal of land-use regulations shall not be held more often than once in six (6) months.

The regulations to be adopted by the directors under the provisions of this Section may include:

1. Provisions, requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures;

2. Provisions requiring observance of particular methods of cultivation including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation;

3. Specifications of cropping programs and tillage practices to be observed;

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on;

5. Provisions for such other means, measures, operations and programs as may assist conservation of soil resources and prevent or control soil erosion in the District, having due regard to the legislative

findings set forth in Section 2 of this Act.

The regulations shall be uniform throughout the territory comprised within the District, except that the directors may classify the lands within the District with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type. Copies of land-use regulations adopted under the provisions of this Section shall be printed and made available to all owners and occupiers of lands lying within the District. Provided further, that if any landowner within said District, after the adoption of such ordinance or ordinances and before he has received or accepted any benefits thereunder, does not wish to participate in the benefits available under the provisions of this Act, he shall so advise the District directors in writing. Upon receipt of such written notice the District directors shall exempt said landowners from all the provisions of this Act.

Sec. 8. Performance of work under the Regulations by the Directors. The directors shall have authority to go upon any lands within the District to determine whether land-use regulations adopted under the provisions of Section 7 of this Act are being observed.

Where the directors of any District shall find that any of the provisions of land-use regulations prescribed in an ordinance adopted in accordance with the provisions of Section 7 hereof are not being observed on particular lands, and that such non-observance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the District, the director may present to any court of competent jurisdiction a petition, duly verified, setting forth the adoption of the ordinance prescribing land-use regulations, the failure of the defendant landowner to observe such regulations, and to perform particular work, operations, or avoidances as required thereby, and that such nonobservance tends to increase erosion on such lands and is inter-

fering with the prevention or control of erosion on other lands within the District, and praying the court to require the defendant to perform the work, operations, or avoidances within a reasonable time and to order that if the defendant shall fail so to perform the directors may go on the land, perform the work or other operations or otherwise bring the conditions of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the owner of such land. Upon the presentation of such petition, the court shall cause process to be issued against the defendant, and shall hear the case. If it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may dismiss the petition; or it may require the defendant to perform the work, operations, or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the court, and to prosecute the same to completion with reasonable diligence, the directors may enter upon the lands involved and perform the work or operations or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, from the owner of such lands.

The court shall retain jurisdiction of the case until after the work has been completed. Upon the completion of such work pursuant to such order of the court the directors may file a petition with the court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest. The court shall have jurisdiction to enter judgment for the amount of such costs and expenses, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court.

Such judgments shall be collected in the same manner as that provided for the collection of assessments in Wind Erosion Conservation Districts created by authority of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature of Texas.

Sec. 9. Cooperation Between Districts. Two or more Districts organized under this Act may cooperate with another or other Districts and with cities and incorporated towns and the State Soil Conservation Board in dealing with a common problem arising under the provisions of this Act. Such programs and projects shall be handled by mutual agreements entered into by and between the State Soil Conservation Board and the County Soil Conservation District or Districts and any city or incorporated town that may be mutually interested in connection therewith.

Sec. 10. State Agencies to cooperate. Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any State-owned lands, and of any county or other governmental subdivision of the State, which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any District organized hereunder shall co-operate to the fullest extent with the directors of such districts in the effectuation of programs and operations undertaken by the directors under the provision of this Act. The directors of such districts shall be given free access to enter and perform work upon such publicly owned lands. The provisions of land-use regulations adopted pursuant to Section 7 of this Act shall have the force and effect of law over all such publicly owned lands and shall be in all respects observed by the agencies administering such lands.

Sec. 11. Discontinuance of Districts. At any time after five (5) years after the organization of a district under provisions of this Act when petitioned by not less than fifty (50) duly qualified tax paying voters the Commissioners Court of any county in this state shall call an election to be held throughout such county to determine whether

a majority of the legally qualified property taxpaying voters of such county favor a discontinuance of the area of such county as a Soil Conservation District. The procedure for holding and declaring the result of such an election shall be in substantial compliance with the requirements for elections to create such Districts. All persons who are legally qualified landowning voters who are actively engaged in the business of agriculture or animal husbandry shall be entitled to vote at such election. Each voter favoring the discontinuance of such District shall have written or printed on his ballot the words "For the discontinuance of the \_\_\_\_\_ County Soil Conservation District"; and each voter who opposes the discontinuance of such District shall have written or printed on his ballot the words "Against the discontinuance of the \_\_\_\_\_ County Soil Conservation District." When the returns of such an election have been canvassed by the Commissioners' Court, the result of such election shall be declared by order entered on the Minutes of said Court, and if the result is in favor of the discontinuance of such District, the County Judge shall issue an order declaring such District to be discontinued, and such order shall also be entered in the Minutes of the Commissioners' Court and a certified copy thereof recorded in the Dead Records of the county, and thereupon the District shall be deemed to be legally discontinued.

Sec. 12. A. In order that the State and the several Conservation Districts herein created may in good faith immediately hold themselves out to the United States as being ready and able to effectually cooperate with that government and the land-owners of this state in accomplishing the objects of this Act, there is hereby diverted and granted by the State to the State Soil Conservation Board for the uses herein expressly provided, funds derived from the legal assessment, levy and collection of the State ad valorem taxes for general purposes only, excluding the levy for school purposes and Confederate pensions upon the property and from the persons in each respective County in the state not heretofore diverted or which may be diverted by virtue of any Act

passed before the effective date of this Act or granted by the State to any political subdivision of this state accruing from the application of six (6) cents of the constitutional ad valorem tax rate.

When and as the counties are organized as Soil Conservation Districts, all moneys so diverted to the State Soil Conservation Board from said respective counties up to Ten Thousand (\$10,000.00) Dollars for any one year, shall be remitted by the State Soil Conservation Board to the governing bodies of said County Soil Conservation Districts, such remittances to be made to the respective counties quarterly and such funds so remitted shall be used and expended by the governing body of the County Soil Conservation Districts exclusively for the purposes set forth in this Act. All other funds received from the respective counties by virtue of said diversion over and above the Ten Thousand (\$10,000.-00) Dollars, shall be used by the State Soil Conservation Board as an equalization fund in carrying out the duties and functions imposed by this act.

The period of such diversion shall be ten (10) years. At the end of ten (10) years any unsued portion of said funds shall be set over and paid into the general revenue fund. The taxes hereby diverted shall be legally assessed, levied, and collected as now provided by law, except that the assessor and collector of the taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as now provided by law and the Comptroller shall pay over all such moneys to the State Treasurer as now provided by law and the State Treasurer shall deposit the funds above specified in the special fund above referred to.

Such tax so diverted shall be appropriated by the State Soil Conservation Board for the purpose of carrying on its administrative functions and to the use of the Soil Conservation Districts organized under the provisions of this Act. The State Soil Conservation Board in making such appropriations shall consider, among other things, the size of the district, the condition of erosion and the amount of work that is necessary to be done within the district in order to carry out the provisions of

this Act. The board shall formulate such rules and regulations as it deems proper to insure the equitable distribution of the diverted funds among the Soil Conservation Districts of the State.

B. In order to provide a fund for the necessary expenses of the operation of the State Soil Conservation Board, there is hereby appropriated the sum of Twenty-five Thousand (\$25,000.00) Dollars available at once, for the use of the Board throughout the remainder of the current biennium, and to cover the interim before the diversion referred to in Subsection A of this section becomes available; said amount to be appropriated out of funds not heretofore appropriated from the general funds of the State Treasury, to be disbursed by the order of the State Conservation Board and the Treasurer of this State; but said amount shall be repaid to the general fund out of the first moneys received by the State Soil Conservation Board by reason of the diversion provided in Subsection A of this Section.

C. The funds allocated to the State Soil Conservation Board shall be expended by said Board, for the following purposes, to-wit:

(a) To defray the administrative expense of the State Soil Conservation Board.

(b) For the equalization of funds among districts, including those counties wherein ad valorem taxes have heretofore been diverted, to the extent of reimbursing said counties so that the fund for the furtherance of the purposes of this Act will be equal to but not greater than otherwise would have been had there been no previous diversion of taxes therein. Provided, however, that no County Conservation District wherein improvements have heretofore been constructed, or are now under construction, or that may hereafter be constructed within the territorial limits of such County Conservation District, out of funds heretofore diverted, shall be eligible to receive any funds whatsoever from this State Soil Conservation Board equalization fund.

(c) The remainder shall be used in furtherance of the purposes of this Act as hereinbefore provided.

The expenditure and disbursement

of such funds shall be in accordance with the rules and regulations promulgated and established by the County Soil Conservation District Board as well as in accordance with contracts or mutual agreements entered into by and between the County Soil Conservation District and municipalities within the County and another or other County Soil Conservation Districts and the State Soil Conservation Board, either or both or all of them acting in a cooperative program jointly in the furtherance of the purposes of this Act.

No debt or obligations shall ever be created by any County Soil Conservation District organized under the provisions of this Act that cannot be reasonably amortized and retired within a period of two years out of funds accruing and to accrue from the funds diverted and granted under the provisions of this Act.

C. Funds accrued, collected and apportioned to the various County Soil Conservation Districts under the terms of this Act remaining unobligated upon an approved soil conservation project or program or unexpended in furtherance thereof for a current calendar year next preceding shall revert to the State Soil Conservation fund of the State Treasury on September 1st following. When such funds shall have reverted, same shall be forwarded by the Treasurer of the County Soil Conservation District to the State Treasurer and receive the receipt of the State Treasurer therefor.

Sec. 13. Separability Clause. If any provision of this Act, or the application of any provision to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 14. Inconsistency with other Acts. In so far as any of the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling, except where otherwise indicated in this Act. This Act shall not in anywise affect, impair, or impinge upon the rights, powers and functions of Water Improvement Districts, Water Control and Improvement Districts, Irrigation Districts, Drainage Districts, Levee Districts, and any other form of water control

or irrigation Districts permitted under the laws of this State which have been created or may hereafter be created, but the same are expressly preserved in accordance with the terms of the Act or Acts under which such Districts were created and such Act or Acts are in no manner impinged upon, changed, modified or repealed and shall stand unimpaired by any of the terms hereof.

Sec. 15. Repealing and affirming certain Acts. A. Senate Bill No. 227 passed by the Regular Session of the Forty-Fourth Legislature, Page 504, Regular Session, is hereby repealed.

B. This Act shall not in anywise repeal House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, but the same is hereby expressly preserved in accordance with the terms thereof.

C. This Act shall not in anywise affect, impair or impinge upon the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature under which Wind Erosion Soil Conservation Districts have been created or may hereafter be created, but the same is expressly preserved in accordance with the terms thereof. The State Soil Conservation Board shall have authority, working with the governing bodies of the Wind Erosion Conservation Districts, to put into operation in said Wind Erosion Conservation Districts such provisions of this Act as are not in conflict with the provisions of House Bill No. 978, Acts of the Regular Session of the Forty-fourth Legislature. Nothing in this Act shall be construed in any manner affecting or repealing any of the provisions of Senate Bill 386, Acts of the Regular Session of the Forty-fifth Legislature but shall be cumulative thereof.

Sec. 16. Effective Date. The fact that the Federal Congress now is in session and in its deliberation will be considering appropriations of money to be used in Texas and other States for the conservation of soil and water, for the control of flood waters and the abatement of injuries caused thereby, and other measures intended to conserve the natural resources of the several States, coupled with the serious condition of erosion and the lack of effective means of conserving water in the State of Texas, creates an emergency and im-

perative public necessity that the Constitutional Rule requiring that bills should be read on three several days in each House be, and it is hereby suspended; and this Act shall take effect from and after its passage, and it is so enacted.

#### Recess.

Senator Shivers moved that the Senate recess to 8:00 o'clock p. m. today.

Senator Oneal asked unanimous consent to move that the Senate go into executive session.

The President announced there was objection to the motion being made at this time.

Question recurring on the motion to recess, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—16.

Burns	Redditt
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone
Newton	Van Zandt
Pace	Weinert
Rawlings	Winfield

#### Nays—9.

Aikin	Oneal
Collie	Sulak
Cotten	Westerfeld
Hill	Woodruff
Nelson	

#### Present—Not Voting.

Neal

#### Absent.

Beck	Head
Brownlee	Roberts
Davis	

The Senate accordingly, at 3:25 o'clock p. m., took recess to 8:00 o'clock p. m. today.

#### Night Session.

The Senate met at 8:00 o'clock p. m., and was called to order by President Pro Tempore Pace.

#### Reports of Standing Committees.

(By unanimous consent.)

Reports on House Bills Nos. 704.



1173, 746 and 943 were submitted by the chairman of the several committees to which they were referred. (See Appendix for reports in full.)

**Committee Substitute for House Bill No. 670 on Second Reading.**

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

C. S. for H. B. No. 670, A bill to be entitled "An Act granting aid to the property and inhabitants of Trinity and San Jacinto Counties, Texas, because of the public calamities which have occurred in said counties by reason of floods and storms which have caused great destruction of property and loss of life; remitting, releasing, granting and donating to said counties all said ad valorem taxes for general revenue purposes levied and collected on property in said counties, including the rolling stock of railroads for a period of five years, beginning with the taxable year, 1937, for the use of said counties for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects and road building, etc., and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**Committee Substitute for House Bill No. 670 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 670 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Isbell
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt

Roberts  
Shivers  
Small  
Spears  
Stone

Sulak  
Westerfeld  
Winfield  
Woodruff

Nays—3.

Aikin  
Lemens

Van Zandt

Absent.

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 665 on Second Reading.**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 665, A bill to be entitled "An Act amending Article 1970-314, Revised Civil Statutes of Texas, 1925, so as to give the county court of Red River County, Texas, original concurrent jurisdiction with the district court of said county in certain criminal cases, and exclusive appellate jurisdiction of certain criminal cases appealed from justice courts, to conform the jurisdiction of the district court of such county to such change; repealing all laws in conflict herewith, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 665 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 665 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Collie
Beck	Cotten
Brownlee	Davis
Burns	Head

Hill	Roberts
Holbrook	Shivers
Isbell	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff
Redditt	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

#### House Bill No. 710 on Second Reading.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 710, A bill to be entitled "An Act designated as Article 307, Revised Civil Statutes, providing for exemption of bar examination applicants."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

#### Motion to Suspend Constitutional Rule.

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 710

be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—16.

Aikin	Pace
Brownlee	Shivers
Cotten	Small
Davis	Spears
Isbell	Van Zandt
Lemens	Westerfeld
Newton	Winfield
Oneal	Woodruff

Nays—5.

Hill	Redditt
Holbrook	Weinert
Moore	

Absent.

Beck	Nelson
Burns	Rawlings
Collie	Roberts
Head	Stone
Neal	Sulak

#### Request of the House Granted.

Senator Oneal moved that the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 293 be granted.

The motion prevailed.

#### House Bill No. 937 on Second Reading.

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 937, A bill to be entitled "An Act providing that if any person shall enclose or shall remove the fence from the enclosure of any part thereof of any cemetery or burial ground with the purpose or intent to use such cemetery or burial ground for any other use or purpose he shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not to exceed Two Hundred Dollars, or by imprisonment in the county jail or by both such fine and imprisonment, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was

read second time and was passed to third reading.

**House Bill No. 937 on Third Reading.**

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 937 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 1158 on Second Reading.**

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1158, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner to purchase and maintain a pick-up truck for use in each commissioners' precinct in connection with official business; providing the funds from which the cost of same shall be paid, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate.

On motion of Senator Cotten and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 1158 on Third Reading.**

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1158 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

**Committee Substitute for House Bill No. 943 on Second Reading.**

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended, to

take up and have placed on its second reading and passage to third reading:

H. B. No. 943, A bill to be entitled "An Act to amend Article IV of Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, by adding a new Section to be inserted immediately following Section 9 thereof, which new Section shall be known and cited as Section 9A providing that tax on notes and secured obligation shall be levied on only one of several contemporaneous instruments securing the same obligation, provided such shall be upon the instrument of greatest denomination, provided said exemption shall not apply to subsequent instruments securing said obligation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate.

On motion of Senator Redditt and by unanimous consent, Senate Rule No. 48 and Senate Rule No. 31a were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### Committee Substitute for House Bill No. 943 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 943 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—1.

Aikin

Absent—Excused.

Beck

Stone

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Brownlee	Oneal
Burns	Pace
Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—1.

Aikin

Absent—Excused.

Beck

Stone

#### House Bill No. 196 on Passage to Third Reading.

Senator Davis called up from the table on its passage to third reading:

H. B. No. 196, A bill to be entitled "An Act providing for the registration of dogs and for a tax on same; prohibiting unregistered dogs from running at large; prohibiting dogs not muzzled from running at large during the night-time; providing conditions under which certain dogs may be killed; making it unlawful to own and keep a dog not registered; prescribing conditions under which poison may be put out for dogs; prescribing the rate of tax and for use and distribution of such fund; prescribing a penalty for violation of this Act; providing a method by which this Act may be made effective in counties; providing a saving clause in case any part of this Act be held invalid; repealing any and all laws in conflict herewith, and declaring an emergency."

The bill heretofore having been read second time and tabled subject to call.

The President Pro Tempore laid the bill before the Senate and it was passed to third reading.

**Motion to Suspend Constitutional Rule.**

Senator Davis moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 196 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

**Yeas—15.**

Brownlee	Rawlings
Cotten	Small
Davis	Spears
Isbell	Van Zandt
Lemens	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	

**Nays—6.**

Aikin	Moore
Hill	Roberts
Holbrook	Shivers

**Present—Not Voting.**

Burns	Redditt
Collie	Stone
Head	Sulak
Neal	Woodruff
Nelson	

**Absent—Excused.**

Beck

**House Bill No. 1129 on Second Reading.**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1129, A bill to be entitled "An Act granting to Willie Wise permission to bring suit against the State of Texas and/or the Texas Relief Commission; etc., and declaring an emergency."

The President Pro Tempore laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1129 on Third Reading.**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1129 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22.**

Aikin	Pace
Brownlee	Rawlings
Cotten	Roberts
Davis	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Sulak
Moore	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield

**Present—Not Voting.**

Burns	Neal
Collie	Redditt
Head	Stone
Hill	Woodruff

**Absent—Excused.**

Beck

The President Pro Tempore then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—24.**

Aikin	Oneal
Brownlee	Pace
Burns	Rawlings
Cotten	Roberts
Davis	Shivers
Hill	Small
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Nelson	Westerfeld
Newton	Winfield

**Present—Not Voting.**

Collie	Redditt
Head	Stone
Neal	Woodruff

**Absent—Excused.**

Beck

**House Bill No. 1180 on Second Reading.**

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1180, A bill to be entitled "An Act fixing the compensation of county auditors in every county having a population of not less than forty-nine thousand (49,000) nor more than fifty-two thousand (52,000) inhabitants according to the last preceding United States Census and prescribing how the same shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate.

On motion of Senator Isbell and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time.

Senator Isbell offered the following amendment to the bill:

Amend H. B. No. 1180 by striking out the words and figures 49000 and inserting in lieu thereof the words and figures 49010. Also strike out the words and figures 52000 and insert in lieu the words and figures 49100, wherever same appears.

And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

**House Bill No. 1180 on Third Reading.**

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1180 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Isbell
Brownlee	Lemens
Cotten	Moore
Davis	Nelson
Hill	Newton
Holbrook	Oneal

Pace	Sulak
Rawlings	Van Zandt
Redditt	Weinert
Roberts	Westerfeld
Shivers	Winfield
Small	Woodruff
Spears	

Present—Not Voting.

Burns	Neal
Collie	Stone
Head	

Absent—Excused.

Beck

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Aikin	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Woodruff
Neal	

Absent—Excused.

Beck

**House Bill No. 489 on Second Reading.**

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 489, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 21, Chapter 6, Section 1, and declaring an emergency."

The President Pro Tempore laid the bill before the Senate.

On motion of Senators Lemens and

by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time.

Senator Lemens offered the following amendment to the bill:

Amend House Bill No. 489 by adding after the words "not exceeding that allowed by law;" in line 7, Second paragraph after the enacting clause, the following language:

"of buying and selling certificates, securities, and shares insured by the Federal Savings & Loan Insurance Corporation;"

The amendment was adopted.

(Senator Woodruff in the Chair.)

The bill was passed to third reading.

#### House Bill No. 489 on Third Reading.

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 489 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Pace
Brownlee	Rawlings
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Present—Not Voting.

Burns	Redditt
Collie	Stone
Nelson	

Absent—Excused.

Beck

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19.

Cotten	Roberts
Hill	Shivers
Isbell	Small
Lemens	Spears
Moore	Sulak
Neal	Van Zandt
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff
Rawlings	

Nays—6.

Aikin	Holbrook
Brownlee	Pace
Davis	Weinert

Present—Not Voting.

Burns	Redditt
Collie	Stone
Head	

Absent—Excused.

Beck

#### House Bill No. 1027 on Second Reading.

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1027, A bill to be entitled "An Act amending Article 7261 by transferring the duty of certifying to the correctness of the report of the county collector from the county clerk to the county auditor in those counties having a county auditor, and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Sulak and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 1027 on Third Reading.

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1027 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24.

Aikin	Pace
Beck	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Newton	Winfield
Oneal	Woodruff

## Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone
Neal	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—24.

Aikin	Pace
Beck	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Newton	Winfield
Oneal	Woodruff

## Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone
Neal	

## House Bill No. 163 on Second Reading.

On motion of Senator Small and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 163, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, includ-

ing county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by county boards of trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such districts, validating the acts of said county board of trustees and boards of trustees of such districts; validating all proceedings and acts of said boards of trustees; validating all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Small and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time.

Senator Small offered the following amendment to the bill:

Amend substitute for H. B. No. 163 by striking out all of Section 3 and inserting in lieu thereof the following:

"Sec. 3. This law shall not apply to any district, the organization or creation of which, or consolidation or annexation of any territory in or to such district was not submitted to a vote of the people residing in such district or districts or territories affected thereby, or which is now involved in litigation, or the validity of the organization or creation of which or consolidation or annexation of territory in or to such district is attacked in any suit or litigation filed within forty-five days after the effective date of this Act. Provided further that this Act shall not apply to any district which may have been established or consolidated, and which was later returned to its original status."



And amend the caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

### House Bill No. 163 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 163 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23.

Beck	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Nays—1.

Aikin

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone
Neal	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21.

Beck	Rawlings
Cotten	Roberts
Davis	Shivers
Hill	Small
Isbell	Spears
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Nays—4.

Aikin	Holbrook
Brownlee	Sulak

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone

### House Bill No. 1188 on Second Reading.

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1188, A bill to be entitled "An Act repealing House Bill No. 525, Acts of the Forty-fifth Legislature, Regular Session, amending Article 3221, Revised Civil Statutes of Texas, 1925, as amended by authorizing State Board of Control to accept and care for orphan Negro children in the home located at Austin, Texas; authorizing said Board to move any and all orphan children from the Dickson Colored Orphanage located near Gilmer, Texas, to Austin; providing that as soon as such children are removed, the Board shall sell the Dickson Colored Orphanage property; providing for the disposition of funds realized from the sale of such property and declaring an emergency."

The Presiding Officer then laid the bill before the Senate.

On motion of Senator Pace and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

### House Bill No. 1188 on Third Reading.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1188 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Cotten	Newton
Davis	Oneal
Hill	Pace
Holbrook	Rawlings

Roberts	Van Zandt
Shivers	Weinert
Small	Westerfeld
Spears	Winfield
Sulak	Woodruff

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone
Neal	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill No. 495 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 495, A bill to be entitled "An Act to amend Article 4941, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 20, Chapter 5, Section 1, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 495 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 495 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23.

Aikin	Rawlings
Beck	Roberts
Cotten	Shivers
Davis	Small
Hill	Spears
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Nays—1.

Brownlee

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone
Neal	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—15.

Beck	Roberts
Isbell	Shivers
Lemens	Spears
Moore	Sulak
Newton	Van Zandt
Oneal	Westerfeld
Pace	Woodruff
Rawlings	

Nays—7.

Aikin	Holbrook
Brownlee	Weinert
Cotten	Winfield
Hill	

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Small
Neal	Stone

Absent.

Davis

#### House Bill No. 214 on Third Reading.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up and have placed on its third reading and final passage:

H. B. No. 214, A bill to be entitled "An Act amending Article 5006 of the Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 22, designating the securities in which the funds of general casualty companies may be invested; providing that general casualty companies may invest funds in interest bearing notes or bonds of the University of Texas, and declaring an emergency."

The Presiding Officer laid the bill

before the Senate and it was read third time.

The bill was passed by the following vote:

Yeas—19.

Beck	Rawlings
Cotten	Roberts
Davis	Shivers
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	

Nays—3.

Aikin	Woodruff
Brownlee	

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Small
Neal	Stone

Absent—Excused.

Hill

#### House Bill No. 1051 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1051, A bill to be entitled "An Act providing relief for the Common School District of San Augustine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over forty-one per cent (41%) of the land in said county thereby taking off the tax rolls of such districts a major portion of the valuation; making an appropriation of said districts in said county to enable them to continue their program of education, and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Redditt and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

#### House Bill No. 1051 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1051 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23.

Aikin	Redditt
Beck	Roberts
Brownlee	Shivers
Cotten	Small
Davis	Spears
Holbrook	Sulak
Lemens	Van Zandt
Moore	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

Nays—1.

Isbell

Present—Not Voting.

Burns	Neal
Collie	Nelson
Head	Stone

Absent—Excused.

Hill

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill No. 671 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 671, A bill to be entitled "An Act creating the Coastal Division of Game, Fish and Oyster Commission; giving the power and making it the duty of the Game, Fish and Oyster Commission to appoint an executive officer for the division; providing that it may perform its duties through said officer; providing for an assistant director of Coastal Division; providing the

amount of compensation to be paid the director and assistant director; providing that the Legislature set the maximum amount to be paid other employees of the division; providing for bonds for employees of Coastal Division; appropriating the Fish and Oyster Fund; providing the effective date of the Act; repealing all laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 671 on Third Reading.**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 671 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—19.

Aikin	Pace
Beck	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Spears
Holbrook	Weinert
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff
Newton	

Nays—3.

Oneal	Van Zandt
Sulak	

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Small
Neal	Stone

Absent—Excused.

Hill

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—18.

Aikin	Davis
Beck	Holbrook
Brownlee	Lemens
Cotten	Moore

Newton	Spears
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield
Shivers	Woodruff

Nays—4.

Isbell	Sulak
Oneal	Van Zandt

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Small
Neal	Stone

Absent—Excused.

Hill

**Time for Executive Session Set.**

Senator Oneal moved that the Senate go into executive session at 10:10 o'clock a. m. tomorrow.

Senator Shivers asked that the motion of Senator Oneal be submitted in writing.

Senator Oneal subsequently submitted in writing the following motion:

"I move that the Senate go into executive session and hold an executive session at 10:20 a. m., Friday, May 21, 1937, for the purpose of considering and passing upon nominations made by the Governor."

(President in the Chair.)

The motion prevailed.

**House Bill No. 624 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

H. B. No. 624, A bill to be entitled "An Act providing that it shall be unlawful to take any fish for sale from the waters of Lake Corpus Christi, situated in the Counties of San Patricio, Jim Wells, and Live Oak, or from the waters of the Nueces River between Calallen Dam and west boundary line of Live Oak County, including all of the tributaries of the Nueces River within the boundaries of Live Oak County, San Patricio County, and Nueces County; providing a closed season

for fishing in said waters; prohibiting the use of certain devices for taking fish in said waters; providing a suitable penalty for any violation of this Act; repealing all laws in conflict therewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 624 on Third Reading.**

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 624 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24.

Aikin	Pace
Beck	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Small
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone

Absent—Excused.

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24.

Aikin	Pace
Beck	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Small
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff

Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone

Absent—Excused.

Hill

**House Bill No. 360 on Second Reading.**

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 360, A bill to be entitled "An Act giving to Mrs. James Steel, a feme sole, consent of the Legislature to file and prosecute a suit against the State of Texas and/or the State Highway Commission in a court of competent jurisdiction, in order to determine what compensation, if any, she, the said Mrs. James Steel, is entitled to receive by reason of damage done to her sixty acre farm by the Highway Department, etc."

The President laid the bill before the Senate.

On motion of Senator Shivers and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 360 on Third Reading.**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24.

Aikin	Pace
Beck	Rawlings
Brownlee	Roberts
Cotten	Shivers
Davis	Small
Holbrook	Spears
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff

## Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone

## Absent—Excused.

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 976 on Second Reading.**

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 976, A bill to be entitled "An Act validating all conveyances made by Goliad County Commissioners' Court or under their authority of county or public school land and making such conveyance valid whether made at public auction or private sale, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Roberts and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 976 on Third Reading.**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 976 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23.

Aikin	Neal
Beck	Newton
Brownlee	Oneal
Cotten	Pace
Davis	Rawlings
Holbrook	Roberts
Isbell	Shivers
Lemens	Small
Moore	Spears

Sulak	Winfield
Van Zandt	Woodruff
Westerfeld	

Nays—1.

Weinert

## Present—Not Voting.

Burns	Nelson
Collie	Redditt
Head	Stone

## Absent—Excused.

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill No. 1016 on Second Reading.**

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1016, A bill to be entitled "An Act amending Section 6 of Article 46-A of the Revised Civil Statutes of Texas, Acts 1931, Forty-second Legislature, relating to adoption of children, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1016 on Third Reading.**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1016 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21.

Beck	Oneal
Brownlee	Pace
Cotten	Rawlings
Davis	Roberts
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Newton	Weinert

Westerfeld  
Winfield

Woodruff

Nays—1.

Aikin

Present—Not Voting.

Burns  
Collie  
Head  
Neal

Nelson  
Redditt  
Small

Absent—Excused.

Hill

Shivers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19.

Beck  
Brownlee  
Cotten  
Davis  
Holbrook  
Isbell  
Lemens  
Moore  
Newton  
Oneal

Pace  
Roberts  
Spears  
Sulak  
Van Zandt  
Weinert  
Westerfeld  
Winfield  
Woodruff

Nays—2.

Aikin

Rawlings

Present—Not Voting.

Burns  
Collie  
Head  
Neal

Nelson  
Redditt  
Small  
Stone

Absent—Excused.

Hill

Shivers

(Senator Rawlings in the Chair.)

#### House Bill No. 967 on Second Reading.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 967, A bill to be entitled "An Act to provide that in all cases of delinquent taxes for the year 1935 and all prior years where it appears that an assessment has been made at a valuation excessive and unreason-

able, the commissioners' court shall be authorized to correct or reduce such values on the request of the tax collector; providing that cities, towns, villages, school districts, road districts, levy improvement districts, water improvement districts, water control and improvement districts, irrigation districts and all other political subdivisions authorized to assess and collect taxes, and the governing authorities thereof may also correct and reduce such excessive and unreasonable values, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Spears offered the following amendment to the bill:

Amend Section 2 H. B. No. 967 by striking out the words "Tax collector" on lines 36 and 37 and substitute in lieu therefor the words "Ten 10" "Land owner."

And amend the caption to conform.

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend H. B. 967 by adding thereto the following:

"Section 1a. If the provisions of Section 1 of this Act should be held invalid as to any one or more of the taxing units enumerated in said section, such fact shall not invalidate said provisions as to the other taxing units enumerated therein."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill No. 967 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 967 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—18.

Aikin  
Beck  
Brownlee

Cotten  
Davis  
Head

Isbell	Sulak
Neal	Van Zandt
Nelson	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Spears	Woodruff

Nays—6.

Burns	Moore
Holbrook	Oneal
Lemens	Roberts

Present—Not Voting.

Collie	Stone
Small	

Absent.

Pace

Absent—Excused.

Hill	Shivers
Newton	

**Senate Resolution No. 95.**

Senator Woodruff offered the following resolution:

Be it Resolved, That the Honorable T. V. Smith, State Senator from the State of Illinois, who is in the Capitol, be invited to address the Senate and extended the privilege of the floor.

The resolution was read, and by unanimous consent, was adopted at this time.

Accordingly, the Presiding Officer appointed Senators Woodruff, Stone and Aikin to escort Hon. T. V. Smith to the President's stand.

The Presiding Officer presented Senator Woodruff, who introduced Hon. T. V. Smith to the Senate.

Mr. Smith then addressed the Senate.

**House Bill No. 1152 on Second Reading.**

On motion of Senator Head and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1152, A bill to be entitled "An Act declaring it unlawful to use seines or nets except those of a certain dimension for taking certain fish from the waters of Coryell County, Texas, excepting minnow seines from the provisions of this Act; providing

size limits for fish taken in said county; prohibiting the sale of minnows and declaring it unlawful to transport more than one hundred and twenty-five (125) minnows at any one time beyond the borders of said county; prescribing a penalty for the violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1152 on Third Reading.**

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1152 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Cotten	Roberts
Davis	Small
Head	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

Present—Not Voting.

Burns	Collie
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Absent—Excused.

Hill	Shivers
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Collie
Beck	Cotten
Brownlee	Davis
Burns	Head



Holbrook	Roberts
Isbell	Small
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff
Redditt	

Absent—Excused.

Hill                      Shivers

**House Bill No. 1143 on Second Reading.**

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1143, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the State Commission for the Blind for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

The Presiding Officer laid the bill before the Senate.

On motion of Senator Van Zandt and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time.

Senator Van Zandt offered the following amendments to the bill:

(1)

Amend H. B. No. 1143 by adding a new section to be known as Section 1b and to read as follows:

Section 1b. There is hereby appropriated the sum of Five Thousand Two Hundred Dollars (\$5,200.00), or so much thereof as is necessary, out of any funds in the State Treasury not otherwise appropriated, for the purpose of installing in the State Vault a cooling and ventilating system in order that State bonds and records be protected and preserved, same to be expended by the State Board of Control under plans and specifications approved by said Board.

(2)

Amend H. B. No. 1143 by adding a new section to be known as Section 1a to read as follows:

Section 1a. There is hereby appropriated to the Industrial Accident Board the sum of One Thousand Dollars (\$1,000.00), or so much thereof as is necessary, out of any funds in the State Treasury not otherwise appropriated to be used for extra help for the balance of the biennium.

The amendments were adopted severally.

Senator Van Zandt offered the following amendment to the bill:

Amend the caption to conform to the body of the bill as amended.

The amendment was adopted.

The bill was passed to third reading.

**House Bill No. 1143 on Third Reading.**

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1143 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Hill                      Shivers

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Hill Shivers

## House Bill No. 181 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 181, A bill to be entitled "An Act providing for the admissibility in evidence of certified copies of certain instruments required by statute or by rules of the Railroad Commission of Texas to be filed with the Railroad Commission of Texas, and providing that same shall be prima facie evidence of the facts contained therein, and authorizing certificates to such copies to be made by certain officials therein specified."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 181 by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. Certified copies of well logs, and records, plugging records, oil and gas production records or reports and all other instruments pertaining to the drilling, completion, operation, abandonment, or plugging of oil and/or gas wells, in this State, required by statute or by rules heretofore or hereafter adopted by the Railroad Commission of Texas, to be filed with the Railroad Commission of Texas, and which have been heretofore or may be

hereafter filed with said Railroad Commission of Texas, shall be admissible in evidence. Such certificate to any such certified copies may be made by any member of the Railroad Commission of Texas, or by the secretary of said Commission.

The amendment was adopted.

The bill was passed to third reading.

## House Bill No. 181 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Hill Shivers

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29.

Aikin	Neal
Beck	Nelson
Brownlee	Newton
Burns	Oneal
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak

Van Zandt  
Weinert  
Westerfeld

Winfield  
Woodruff

Absent—Excused.

Hill

Shivers

**House Bill No. 1163 on Second Reading.**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1163, A bill to be entitled "An Act validating the transfer of territory proceedings detaching territory from the Center Plains Common School District No. 4, and the Science Hill Common School District No. 8, both of Hale County, Texas, and attaching same to the Cotton Center Independent School District of Hale County, Texas, including petitions, hearings, orders, notices, elections orders declaring results of elections, assumption of indebtedness, and ratifying changes made by the County Board of School Trustees of Hale County, Texas, in the Cotton Center Independent School District of Hale County, Texas; redefining boundaries of said Cotton Center Independent School District of Hale County, Texas; providing that the trustees of said Cotton Center Independent School District shall proceed to levy and collect sufficient taxes for maintenance purposes and to provide a sinking fund for paying the interest on the outstanding indebtedness of the new Cotton Center Independent School District of Hale County, Texas."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 1163 on Third Reading.**

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1163 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Hill

Shivers

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Hill

Shivers

**House Bill No. 1179 on Second Reading.**

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1179, A bill to be entitled "An Act amending Chapter 101, page 279, of the General and Special Laws of the First Called Session of the Forty-third Legislature, being H. B. No. 31, and, as amended by Chapter 346, page 811, of the General and

Special Laws of the Regular Session of the Forty-fourth Legislature, being H. B. No. 991, and, as amended by H. B. No. 722, of the General and Special Laws of the Regular Session of the Forty-fifth Legislature, by adding thereto two new Sections to be known as Sections 16 and 17, so as to authorize such cities and towns to separate the Firemen, Policemen and Fire Alarm Operators' Pension Fund into a Policemen's Division, including Fire Alarm Operators thereof, each to have a separate Pension Fund, both to have the same board of trustees and to be operated, managed and controlled under existing laws; providing for a procedure for separation; validating Acts of such cities and towns heretofore creating and maintaining separate funds and separate Division of Firemen, Policemen and Fire Alarm Operators' Pension Fund, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

#### House Bill No. 1179 on Third Reading.

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1179 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Hill Shivers

The Presiding Officer then laid

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the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff

Nays—1.

Holbrook

Absent—Excused.

Hill

Shivers

#### House Bill No. 469 on Final Passage.

Senator Woodruff called up for consideration at this time the motion to reconsider the vote by which the Senate refused to pass H. B. No. 469, which motion was made duly and spread upon the Journal.

The motion prevailed.

The Presiding Officer then laid before the Senate, on its final passage:

H. B. No. 469, A bill to be entitled "An Act amending Article 2843, Title No. 49, Chapter 16, Revised Civil Statutes of 1925, authorizing the increase or decrease in the list of subjects for which free textbooks are adopted; providing that the State Board of Education shall adopt textbooks for high school subjects on a multiple list basis when one hundred or more first-class high schools are affiliated in the subjects; providing that the State Board of Education may adopt free textbooks in a subject when less than one hundred first-class high schools are affiliated in the subject when the State course of study and popular demand justify it; providing that a book or books may be adopted for high schools which combine two or more of the existing high school subjects provided no existing high school subject is omitted

by such a combination; providing that the State Board of Education may also, if deemed necessary, adopt a book or books in music and in science for the elementary grades; and providing further that a book or books may be adopted in the elementary grades which combine two or more of the subjects herein listed and that no subject herein listed is thereby omitted through such a combination, and declaring an emergency."

The bill was passed by the following vote:

**Yeas—17.**

Aikin	Oneal
Brownlee	Redditt
Cotten	Roberts
Davis	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

**Nays—5.**

Beck	Stone
Burns	Weinert
Holbrook	

**Present—Not Voting.**

Collie	Rawlings
Head	Small
Newton	Spears
Pace	

**Absent—Excused.**

Hill	Shivers
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**House Bill No. 746 on Second Reading.**

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 746, A bill to be entitled "An Act to prohibit fraternities, sororities, and secret societies in the public schools of the State, to provide for the enforcement of same, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Westerfeld offered the following amendments to the bill:

**(1)**

Amend H. B. No. 746, Section 3,

line 3, by inserting after the word "state" and before the words "to suspend," the following: "in the counties within the provisions of this Act."

**(2)**

And amend the bill by inserting in Section 4, line 2, after the word "Act" and before the word "for" the following:

"in the counties within the provisions of this Act, which counties shall include all counties in this State having a population of not less than 320,000 inhabitants and not more than 350,000 inhabitants, according to the last Federal Census."

**(3)**

Amend Section 4 and Section 7 of H. B. No. 746 by striking out: "This State" wherever it appears, and inserting in lieu thereof "any such county."

The amendments were adopted severally.

The bill was passed to third reading.

**House Bill No. 746 on Third Reading.**

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 746 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—23.**

Aikin	Newton
Beck	Oneal
Brownlee	Rawlings
Burns	Redditt
Cotten	Roberts
Davis	Stone
Head	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Nelson	

**Nays—2.**

Holbrook	Weinert
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**Present—Not Voting.**

Small	Spears
	Absent.

Collie	Pace
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## Absent—Excused.

Hill

Shivers

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—11.

Beck	Redditt
Burns	Sulak
Cotten	Van Zandt
Davis	Westerfeld
Lemens	Woodruff
Oneal	

## Nays—10.

Aikin	Rawlings
Brownlee	Roberts
Holbrook	Stone
Isbell	Weinert
Moore	Winfield

## Present—Not Voting.

Collie	Newton
Head	Small
Neal	Spears
Nelson	

## Absent.

Pace

## Absent—Excused.

Hill

Shivers

## Senate Concurrent Resolution No. 73.

Senator Davis, by unanimous consent, offered the following resolution:

Whereas through error a certain paragraph was omitted from the conference report on H. B. No. 24; now therefore, be it

Resolved, The Senate, the House of Representatives concurring, that the chairman of the House and Senate Conference Committees on this bill be instructed to insert the following paragraph at the end of the first paragraph on page 26 of the conference report on this bill: .

"The provisions of this Act shall not be construed to repeal or in any way place a limitation upon any remission, donation, grant or diversion of ad valorem taxes heretofore received or which may be received, by virtue of any bill passed before the effective date of this Act, by any county, city or other political subdivision of this State."

The resolution was read.

On motion of Senator Davis and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

## Adjournment.

On motion of Senator Roberts, the Senate, at 10:50 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

## APPENDIX.

## Reports of Standing Committees.

Committee Room,

Austin, Texas, May 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1180, A bill to be entitled "An Act fixing the compensation of County Auditors in every county having a population of not less than forty-nine thousand (49,000) nor more than fifty-two thousand (52,000) inhabitants according to the last preceding United States Census and prescribing how the same shall be paid; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 937, A bill to be entitled "An Act providing that if any person shall enclose or shall remove the fence from the enclosure or any part thereof of any cemetery or burial ground with the purpose or intent to use such cemetery or burial ground for any other use or purpose he shall be guilty of a misdemeanor and upon conviction therefor shall be

punished by a fine of not to exceed Two Hundred Dollars (\$200), or by imprisonment in the county jail or by both such fine and imprisonment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Committee Room,

Austin, Texas, May 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1173, A bill to be entitled "An Act applicable to the Counties of Mason, Menard, Kerr, Schleicher, Crockett, Sutton, Kimble, Real, Edwards, Blanco, Llano, Kendall, Gillespie, El Paso, Hudspeth, Culbertson, Val Verde, Kinney, Maverick, Terrell, Brewster, Harris, Bexar, Wood, State of Texas; requiring a Resident Hunting License of any resident citizen of this State hunting in said counties, with certain exemptions, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 704, A bill to be entitled "An Act conferring jurisdiction upon the County Court of Gillespie County in probate matters and general jurisdiction over estates and transferring the jurisdiction of said court over civil and criminal cases to District Court of said county, and conforming the jurisdiction of the District Court to such change, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, May 20, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 943, A bill to be entitled "An Act to amend Article IV of Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, by adding a new section to be inserted immediately following Section 9 thereof, which new section shall be known and cited as Section 9A; providing that tax on notes and secured obligations shall be levied on only one of several contemporaneous instruments securing the same obligation, provided such shall be upon the instrument of greatest denomination, provided said exemption shall not apply to subsequent instruments securing said obligation; providing for the recording of instruments with stamps affixed, in any record to which it may be by law entitled, and in the records of more than one county without affixing additional stamps; providing for certification as to tax by the county clerk; providing for fee for such certification; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that committee substitute therefor do pass, and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 19, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 746, A bill to be entitled "An Act to prohibit fraternities, sororities, and secret societies in the public schools of the State; making certain exceptions; providing for the enforcement of same; repealing all laws in conflict; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.